

CHAPTER 37

NEW JERSEY BOARD OF NURSING

Authority

N.J.S.A. 45:11-24.

Source and Effective Date

R.2000 d.55, effective January 13, 2000.
See: 31 N.J.R. 3988(a), 32 N.J.R. 450(a).

Executive Order No. 66(1978) Expiration Date

Chapter 37, New Jersey Board of Nursing, expires on January 13, 2005.

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by Examination for Foreign Nurses, Subchapter 5, Licensure by Endorsement, and Subchapter 12, Fee Schedule, were repealed and Subchapter 2, Licensure by Examination; Professional and Practical Nurses, Subchapter 3, Practice as a Graduate Nurse, Subchapter 4, Licensure by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: 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. 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. The educational institution shall be licensed by the New Jersey Commission on Higher Education for the purpose of granting masters degrees;
3. Baccalaureate degree programs: For purposes of this subchapter, a baccalaureate degree program is a program conducted by an educational institution with a program in nursing, which leads to a baccalaureate degree in nursing. The educational institution shall be licensed by the New Jersey Commission on Higher Education for the purpose of granting baccalaureate degrees. Registered professional nurse completion programs, which are educational programs that provide licensed registered nurses who do not have a baccalaureate degree the opportunity to complete their baccalaureate degrees, shall be considered baccalaureate degree programs.

4. Associate degree programs: For purposes of this subchapter, an associate degree program means a program conducted by an educational institution with a program which leads to an associate degree in nursing. The educational institution shall be licensed by the New Jersey Commission on Higher Education for the purpose of granting associate degrees;

5. Diploma programs: For purposes of this subchapter, a diploma program means a program conducted by a nursing school under the sponsorship of a hospital or consortium of hospitals in the State of New Jersey, that leads to a diploma in nursing or, in collaboration with a

college or university, grants an Associate in Applied Science degree or Associate in Science degree; and

6. Practical nursing programs: For purposes of this subchapter, a practical nursing program means a program conducted for the purposes of providing education in practical nursing, that leads to a diploma or certificate in practical nursing, and which is not operated by any local, county or State Board of Education in this State. A practical nursing program that is operated by a board of education is not under the jurisdiction of the Board pursuant to N.J.S.A. 45:11-24 and is not required to meet the requirements of this subchapter.

Amended by R.1976 d.368, effective November 19, 1976.

See: 8 N.J.R. 199(b), 8 N.J.R. 575(a).

New Rule, R.1985 d.285, effective June 3, 1985.

See: 17 N.J.R. 51(a), 17 N.J.R. 1426(b).

This section was originally Definitions.

Amended by R.1988 d.558, effective December 5, 1988.

See: 20 N.J.R. 1645(b), 20 N.J.R. 3021(a).

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 "Application for establishment of a new program in nursing or reorganization of an existing program".

13:37-1.2 Application for establishment of a new program in nursing

(a) An educational institution seeking to establish a new program in nursing shall submit in writing to the Board an application consisting of the following items:

1. The type of program, for example, generic doctoral degree program or baccalaureate degree program;
2. The philosophy, organizing framework, objectives and outcomes of the program in accordance with N.J.A.C. 13:37-1.5;
3. Evidence of financial resources adequate for the planning, implementation and continuation of the program, including a projected five-year budget;
4. A table of organization describing the lines of authority and the administrative structure of the program;
5. Curricula vitae for all faculty and consultants responsible for the development and administration of the program; and
6. A letter from the chief executive officer which reflects that he or she has secured initial and continued financial support for the program.

(b) An application to establish a new program in nursing shall be submitted to the Board no later than eight months prior to the proposed establishment of a new program.

(c) After reviewing the application, the Board shall either:

1. Grant permission to pursue the development of the proposed program. However, such permission does not ensure that provisional accreditation will be granted by the Board;
2. Require revisions to the proposed program or to the materials submitted as required by (a) above or the submission of additional information. Revisions to the proposed program or to the application materials does not ensure that provisional accreditation will be granted by the Board; or
3. Deny permission to establish a new program.

(d) The educational institution may request in writing an appearance before the Board for reconsideration of the revisions or denial based upon (c)2 or 3 above within 30

days of written notification of the required revisions or denial.

(e) After receiving permission to pursue the development of a new program, the educational institution shall submit to the Board the following items no later than four months prior to the anticipated start date of the program:

1. The number of students to be admitted to each of the first four classes after establishment of the program;
2. The projected maximum student enrollment;
3. Admission, progression, retention and dismissal policies;
4. Appeals policy for any disciplinary matter;
5. A description of student services;
6. A plan for increases in faculty commensurate with increased student enrollment;
7. The curriculum plan, including course objectives for all nursing courses;
8. A written statement describing the support staff; and
9. A written Systematic Plan for Program Evaluation of the effectiveness of the curriculum. The Plan shall identify the communities of interest, which include any person or group who is interested in the quality of graduates from a nursing program, and shall include:
 - i. The components being evaluated;
 - ii. The responsible party for evaluating the components;
 - iii. Outcomes that reflect program objectives;
 - iv. Methods for evaluating components; and
 - v. Actions resulting from the collection and analysis of data.

(f) After reviewing the materials required by (e) above, the Board shall either:

1. Grant provisional accreditation to the program;
2. Require revisions to the program or the program materials required by (e) above or the submission of additional information. Revisions to the program or program materials do not ensure that provisional accreditation will be granted by the Board; or
3. Deny permission to establish a new program.

(g) The educational institution may request, in writing, an appearance before the Board for reconsideration of the revisions or denial based upon (f)2 or 3 above within 30 days of written notification of the required revisions or denial.

New Rule, R.1985 d.285, effective June 3, 1985.

See: 17 N.J.R. 51(a), 17 N.J.R. 1426(b).

This section was originally "Application for initial accreditation."

Amended by R.1985 d.483, effective September 16, 1985.

See: 17 N.J.R. 1528(a), 17 N.J.R. 2282(a).

Added (v) through (y).

Amended by R.1988 d.558, effective December 5, 1988.

See: 20 N.J.R. 1645(b), 20 N.J.R. 3021(a).

Amended by 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 21, 2003.

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

Section was "Eligibility for accreditation".

13:37-1.3 Provisional accreditation

(a) A nursing program that has been granted provisional accreditation pursuant to N.J.A.C. 13:37-1.2 may admit students.

(b) A nursing program that has been granted provisional accreditation shall not be granted accreditation until:

1. The first class has graduated;
2. Eighty percent of students from the first graduating class, who have taken the licensing examination, pass the first time they take it; and
3. A self-study report is submitted to the Board that shows the nursing program is in compliance with the requirements of N.J.A.C. 13:37-1.4 through 1.11.

(c) A registered professional nurse completion program, as defined in N.J.A.C. 13:37-1.1(b)3, shall be granted accreditation once it has graduated its first class and has submitted a self-study report to the Board.

(d) The Board may conduct a survey of the program, through its designee, to assure compliance with N.J.A.C. 13:37-1.4 through 1.11.

(e) A program that does not meet the requirements of (b) above shall remain on provisional accreditation status. A program may remain on provisional accreditation status for no more than two years from the date the first class graduates. A program that has not met the requirements of (b) above in that two-year period shall cease to admit students and shall be placed on probation until the last student enrolled in the program graduates or otherwise leaves the program. Once the last student has left the program, the program shall lose its provisional accreditation. A program that has lost provisional accreditation pursuant to this subsection may reapply for accreditation pursuant to N.J.A.C. 13:37-1.2.

(f) A program, or an institution that offers a program, that does not provide its students an opportunity to complete their education and graduate as required by (e) above, may not reapply for accreditation for 10 years from the date the program ended.

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 "Criteria for granting and withdrawing accreditation".

13:37-1.4 Maintaining accreditation: organization and administration of a nursing program

(a) A nursing program shall have:

1. A written organizational and administrative plan describing the internal organization of the program, lines of authority, procedures for providing communication with the governing body and clinical agencies, and the role of any advisory committee associated with the program;
2. Stable financial resources which are allocated to adequately support the program's educational activities;
3. A program administrator who meets the requirements of N.J.A.C. 13:37-1.6 and has direct authority for the fiscal and academic administration of the program. The administrator shall be responsible to the governing body of the sponsoring institution;
4. Written criteria for faculty promotion and faculty retention;
5. Written criteria for student admission, promotion, retention, and completion of the program; and
6. Written policies on grading and graduation requirements.

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

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

Former N.J.A.C. 13:37-1.4, Conditional accreditation, recodified to N.J.A.C. 13:37-1.17.

13:37-1.5 Maintaining accreditation: philosophy, organizing framework, objectives and outcomes

(a) The faculty shall develop, and revise as necessary, a statement of philosophy, a written description or model of the organizing framework, program objectives and program outcomes which are consistent with the definition of nursing as set forth in N.J.S.A. 45:11-23(b).

(b) The philosophy of the nursing program shall include the faculty's beliefs about the following:

1. Nursing;
2. Humans;
3. Health;
4. Environment; and
5. The teaching-learning process.

(c) The nursing program objectives shall identify those competencies required for the successful entry of the nursing graduate into practice.

(d) The faculty shall develop and maintain the written Systematic Plan for Program Evaluation.

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

(a) The Board shall place an accredited program on conditional accreditation if:

1. The program fails to meet or maintain the standards and requirements for accreditation contained in this subchapter; or
2. Less than 80 percent of its graduates achieve passing grades in the licensing examination.

(b) The Board may limit the number of students enrolled in a program placed on conditional accreditation. The institution shall be given the opportunity for a hearing to appeal this decision.

(c) The program shall be notified by letter of conditional accreditation by the Board including any conditions which must be corrected within a specific time period established by the Board.

(d) The Board may, upon request, remove a program from conditional accreditation if it can be demonstrated that the standards and requirements contained in this subchapter have been met.

Recodified from N.J.A.C. 13:37-1.4 by R.2003 d.167, effective April 21, 2003.

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

Former N.J.A.C. 13:37-1.17, Criteria for student admission, promotion, retention and completion of the program, repealed.

13:37-1.18 Probation

A program may be placed on probation when its graduates fail to achieve 80 percent passing on the licensing examinations for two consecutive years. A program placed on probation shall not admit new or transfer students into the program. The institution shall be given the opportunity for a hearing to appeal this decision.

Recodified from N.J.A.C. 13:37-1.6 by R.2003 d.167, effective April 21, 2003.

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

Former N.J.A.C. 13:37-1.18, Program recordkeeping and reporting requirements, repealed.

13:37-1.19 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 21, 2003.

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

Section was "Program termination or suspension".

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 Registered 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. 13:37-1.10. 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.

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.

13:37-2.4 (Reserved)

New Rule, R.1996 d.175, effective April 1, 1996.

See: 28 N.J.R. 236(a), 28 N.J.R. 1859(b).

Recodified from N.J.A.C. 13:37-2.5 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. 13:37-2.4, Application requirements; graduates of foreign nursing programs, recodified to N.J.A.C. 13:37-2.3.

Repealed 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).

Section was, "Forensic nurse sexual assault examiner; training requirements".

13:37-2.5 (Reserved)

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

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

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).