

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(c).

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by Examination for Foreign Nurses, Subchapter 5, Licensure by Endorsement, and Subchapter 12, Fee Schedule, were repealed and Subchapter 2, Licensure by Examination; Professional and Practical Nurses, Subchapter 3, Practice as a Graduate Nurse, Subchapter 4, Licensure by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

Subchapter 6, Nursing Procedures, was renamed Delegation and Supervision by R.2016 d.020, effective March 7, 2016. See: 47 N.J.R. 406(a), 47 N.J.R. 2050(a), 48 N.J.R. 423(a).

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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;

13:37-7.3 (Reserved)

New Rule, R.2008 d.160, effective June 16, 2008.
See: 39 N.J.R. 1991(b), 40 N.J.R. 3729(a).

Former N.J.A.C. 13:37-7.3, Examination requirements for certification, recodified to N.J.A.C. 13:37-7.4.

Repealed by R.2017 d.008, effective January 3, 2017.

See: 48 N.J.R. 946(a), 49 N.J.R. 116(a).

Section was "Practice prior to passing the examination for certification".

13:37-7.4 Examination requirements for certification

An applicant for certification shall pass an advanced practice examination in his or her area of specialization offered by a national certifying agency that is accredited by the American Board of Nursing Specialties and/or the National Commission for Certifying Agencies.

Recodified from N.J.A.C. 13:37-7.3 and amended by R.2008 d.160, effective June 16, 2008.

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

Rewrote the section. Former N.J.A.C. 13:37-7.4, Educational and examination certification requirements in the area of OB/GYN and women's health, repealed.

13:37-7.5 (Reserved)

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

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

Section was "Biennial certification renewal".

Repealed by R.2011 d.025, effective January 18, 2011.

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

Section was "Educational and examination certification requirements in the area of anesthesia on or before June 16, 2009".

13:37-7.6 Certification by endorsement

(a) An advanced practice nurse certified in another state shall be eligible for certification in this State without meeting the examination requirements of N.J.A.C. 13:37-7.4 if the educational requirements of the state in which he or she is certified are substantially similar to the educational requirements of this State.

(b) An applicant for advanced practice nurse certification who is certified in another state shall submit to the Board:

1. A completed application form, which contains biographical, educational and experiential data concerning the applicant;
2. Verification of certification as an advanced practice nurse in good standing in another state;
3. Proof that the applicant has successfully completed the educational requirements of an advanced practice nurse as set forth in N.J.A.C. 13:37-7.2. The applicant shall submit to the Board a transcript showing successful completion of an advanced practice nurse program from the school(s) where the applicant completed the educational requirements. An applicant applying for certification through endorsement shall not be required to meet the requirements of N.J.A.C. 13:37-7.2(b);

4. Proof that the applicant is currently certified by a national certifying agency that is accredited by the American Board of Nursing Specialties and/or the National Commission for Certifying Agencies; and

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

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

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

Section was "Prescriptive practice".

13:37-7.7 Biennial certificate renewal; certificate suspension; reinstatement of suspended certificate; inactive status; return from inactive status

(a) All certificates for advanced practice nurses shall be issued for a two-year certification period, which coincides with the advanced practice nurse's registered professional nurse licensure renewal period. An advanced practice nurse who seeks renewal of the certificate shall submit a renewal application, proof that the applicant is currently certified by a national certifying agency that is accredited by the American Board of Nursing Specialties and/or the National Commission for Certifying Agencies and the renewal fee set forth in N.J.A.C. 13:37-5.5 prior to the expiration date of the certificate. An advanced practice nurse who is certified prior to June 16, 2008 shall not have to show that he or she is certified by a national certifying agency.

(b) The Board shall send a notice of renewal to each advanced practice nurse, at least 60 days prior to the expiration of his or her certificate. 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) If an advanced practice nurse does not renew the certificate prior to its expiration date, the advanced practice nurse may renew the certificate within 30 days of its expiration by submitting a renewal application, proof that the applicant is currently certified by a national certifying agency that is accredited by the American Board of Nursing Specialties and/or the National Commission for Certifying Agencies, a renewal fee and a late fee, as set forth in N.J.A.C. 13:37-5.5.

(d) A certificate that is not renewed within 30 days of its expiration shall be automatically suspended. An individual who continues to practice with a suspended certificate shall be deemed to be engaged in unlicensed practice.

(e) An advanced practice nurse whose certificate has been automatically suspended for five years or less for nonpayment of a biennial renewal fee pursuant to (c) above may be reinstated by the Board upon completion of the following:

1. Payment of the reinstatement fee and all past delinquent biennial renewal fees pursuant to N.J.A.C. 13:37-5.5;

2. Completion of the continuing education units required under N.J.A.C. 13:37-7.8 for each biennial registration period for which the advanced practice nurse was suspended; and

3. Submission of an affidavit of employment listing each job held during the period the certificate was suspended, including the name, address, and telephone number of each employer.

(f) An advanced practice nurse whose certificate has been automatically suspended for failure to renew for more than five years who wishes to have his or her certificate reinstated shall reapply for certification pursuant to N.J.A.C. 13:37-7.1. The applicant shall fulfill all of the initial licensure requirements, including retaking the examination required by N.J.A.C. 13:37-7.1(d)3. An applicant reapplying for certification shall not be required to meet the requirements of N.J.A.C. 13:37-7.2(b).

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

(h) An advanced practice nurse who elected inactive status and has been on inactive status for five years or less may be reinstated by the Board upon completion of the following:

1. Payment of the active status fee set forth in N.J.A.C. 13:37-5.5;

2. The completion of the continuing education units required for each biennial registration period for which the advanced practice nurse was on inactive status; and

3. Submission of an affidavit of employment listing each job held during the period the advanced practice nurse was on inactive status, including the name, address, and telephone number of each employer.

(i) An advanced practice nurse who has been on inactive status for more than five years who wishes to return to practice shall reapply for certification pursuant to N.J.A.C. 13:37-7.1. The applicant shall fulfill all of the initial licensure requirements, including retaking the examination required by N.J.A.C. 13:37-7.1(d)3. An applicant reapplying for certifi-

cation shall not be required to meet the requirements of N.J.A.C. 13:37-7.2(b).

(j) An advanced practice nurse who was initially certified by the Board in an area of practice that was approved by the Board prior to June 16, 2008 shall be permitted to renew certification for that practice.

Repeal and New Rule, R.2008 d.160, effective June 16, 2008.
See: 39 N.J.R. 1991(b), 40 N.J.R. 3729(a).

Section was "Requirements for issuing prescriptions and orders; dispensing medications".

13:37-7.8 Continuing education

Every biennial period, an advanced practice nurse shall complete the continuing education required for the renewal of a registered professional nurse license pursuant to N.J.A.C. 13:37-5.3 and the continuing education requirements of the national certifying agency whose examination the advanced practice nurse successfully passed pursuant to N.J.A.C. 13:37-7.4 or 7.5.

Repeal and New Rule, R.2008 d.160, effective June 16, 2008.
See: 39 N.J.R. 1991(b), 40 N.J.R. 3729(a).

Section was "Certification by endorsement".
Amended by R.2011 d.025, effective January 18, 2011.
See: 42 N.J.R. 1481(a), 43 N.J.R. 193(a).
Deleted designation (a); and deleted (b) and (c).

13:37-7.9 Prescriptive practice

(a) An advanced practice nurse may prescribe or order medications and devices and shall do so in conformity with the provisions of this subchapter, N.J.S.A. 45:11-45 et seq., and written protocols for the prescription of medications and devices jointly developed by the advanced practice nurse and the collaborating physician in accordance with the standards of N.J.S.A. 45:11-51 and N.J.A.C. 13:37-6.3.

(b) An advanced practice nurse may prescribe or order treatments, including referrals, and shall do so in conformity with the provisions of this subchapter and N.J.S.A. 45:11-45 et seq.

(c) An advanced practice nurse who issues prescriptions in any setting other than in a licensed acute care or long-term care facility may issue written prescriptions for medications

to patients only on New Jersey Prescription Blanks in accordance with N.J.S.A. 45:14-55.

(d) An advanced practice nurse shall include the following information on each prescription blank issued:

1. The prescribing advanced practice nurse's full name, designation, that is, APN, address, telephone number, and certification number;
2. The full name, date of birth and address of the patient;
3. The date of issuance;
4. The name, strength, route and quantity of the medication prescribed;
5. The number of refills permitted or time limit for refills, or both;
6. A handwritten, original signature;
7. An explicit indication, by initials placed next to "do not substitute," if a specified brand name drug is to be dispensed;
8. The full name, title, address, telephone number, and license number of the collaborating physician;
9. Words, in addition to numbers, to indicate the drug quantity authorized if the prescription is for a controlled dangerous substance, for example: "ten (10) Percodan" or "five (5) Ritalin 5 mg"; and
10. If the prescription is for a controlled dangerous substance, the advanced practice nurse's DEA number and instructions as to the frequency of use.

(e) An advanced practice nurse who prescribes medication or devices shall advise patients by a sign or pamphlets in the waiting room of the office, that a patient may request a generic drug as a substitute for a brand name drug prescribed.

(f) An advanced practice nurse may use only prescription blanks that are imprinted with the words "substitution permissible" and "do not substitute," with a space for the prescribing advanced practice nurse's initials next to the chosen option. The prescription blanks shall not include preprinted information designed to discourage or prohibit substitution.

(g) When using health care facility or multi-prescriber prescription blanks, the full name and certificate number of the advanced practice nurse shall be legibly printed at the top of the prescription blank or the identity of the advanced practice nurse shall be designated by a checkmark or other legible means.

(h) Each prescription for a controlled dangerous substance shall be written on a separate New Jersey Prescription Blank.

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

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

Section was "Requirements for nurse practitioner/clinical nurse specialists certified pursuant to N.J.S.A. 45:11-48".

13:37-7.10 Requirements for dispensing medications

(a) An advanced practice nurse may dispense a medication directly to a patient pursuant to a joint protocol. An advanced practice nurse who dispenses medications shall assure that follow-up care is provided and that the effects of the medication are properly evaluated and integrated into the treatment plan of the patient.

(b) An advanced practice nurse who dispenses medications in the office shall maintain those medications in accordance with pharmaceutical standards and manufacturer recommendations concerning storage conditions. An advanced practice nurse shall not maintain in inventory any medications, which are outdated, misbranded, deteriorated, adulterated, recalled, unlabeled, damaged, discontinued or which were previously dispensed to a patient.

(c) When an advanced practice nurse dispenses a medication to a patient, he or she shall record the dispensing in the patient's record.

(d) All medications dispensed, except for those dispensed as pharmaceutical samples shall be recorded in a permanent, contemporaneous dispensing log, which shall contain the following:

1. The full name of the patient;
2. The complete name of each medication dispensed;
3. The strength and quantity of the medication dispensed;
4. Instructions as to the frequency of use;
5. The date of dispensing; and
6. The identity of the dispensing advanced practice nurse, if more than one individual dispenses in the office.

(e) (Reserved)

(f) Every medication dispensed, except for pharmaceutical samples, shall bear a legible label, which includes:

1. The full name of the patient;
2. The complete name of the medication dispensed;
3. The strength and quantity of the medication dispensed;
4. Instructions as to the frequency of use;
5. Special precautions, if appropriate;
6. The date of dispensing;
7. The expiration date of the medication;
8. A list of the ingredients if the medication was compounded, not manufactured; and
9. The identity of the dispensing advanced practice nurse.

(g) (Reserved)

(h) An advanced practice nurse shall not charge a fee for a medication packaged and labeled by a manufacturer as a sample.

(i) An advanced practice nurse may charge a fee for dispensing any medication that is not packaged and labeled by a manufacturer as a sample. This fee shall not exceed the actual acquisition cost for the medication plus an administrative amount which shall not exceed 10 percent of the actual acquisition cost.

(j) Except as exempted by (k) below, an advanced practice nurse who dispenses a medication for a fee shall:

1. Not dispense the medication or a substantially equivalent medication in a quantity or in dosages greater than that which would allow the patient a seven-day supply;
2. Not dispense the medication or a substantially equivalent medication more than once every 30 days;
3. Assure that information is given to the patient regarding the availability of the medication outside of the advanced practice nurse's office; and
4. Disclose to the patient in advance of purchase and again on the bill the actual acquisition cost of the medication.

(k) An advanced practice nurse need not comply with (j) above if:

1. The office at which the dispensing occurs is situated 10 or more miles from the nearest licensed pharmacy;
2. The medication is dispensed pursuant to an oncological or AIDS protocol;
3. The medication dispensed is a salve, ointment or drops; or
4. The medication is dispensed in, and directly related to, the services rendered to the patient at:
 - i. A hospital emergency room;
 - ii. A student health center at an institution of higher education; or
 - iii. A publicly subsidized community health center, family planning clinic or prenatal clinic.

(l) The requirements set forth in (d) through (g) above shall not apply to the dispensing of nonprescription substances.

Repeal and New Rule, R.2008 d.160, effective June 16, 2008.
See: 39 N.J.R. 1991(b), 40 N.J.R. 3729(a).
Section was "Practice as registered professional nurse".

13:37-7.11 Practice as a registered professional nurse

Nothing in N.J.S.A. 45:11-45 et seq. or this subchapter shall be construed to limit, preclude or otherwise interfere with the practice of nursing as defined by N.J.S.A. 45:11-23 by a person licensed as a registered professional nurse in this State, provided that the licensee does not represent himself or herself as an advanced practice nurse.

Amended by R.1996 d.304, effective July 1, 1996.

See: 27 N.J.R. 2091(a), 28 N.J.R. 3303(a).

In (a) added Critical care, Emergency/Burns/Trauma, Medical-Surgical and Rehabilitation.

Recodified from N.J.A.C. 13:37-7.10 and amended by R.2008 d.160, effective June 16, 2008.

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

Former N.J.A.C. 13:37-7.11, Categories of advanced practice, repealed.

13:37-7.12 (Reserved)

Repealed by R.1995 d.88, effective February 21, 1995.

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

Section was "Reporting".

SUBCHAPTER 8. NURSING PRACTICE

13:37-8.1 Standards for joint protocols between advanced practice nurses and collaborating physicians

(a) The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

"Collaboration" means the ongoing process by which an advanced practice nurse and a physician engage in practice, consistent with agreed upon parameters of their respective practices.

"Device" means an article, other than medication, for use in the diagnosis, cure, mitigation, treatment or prevention of disease, injury, pain or deformity or physical or emotional condition or health problem in humans or intended to affect the structure or function of the human body.

"Joint protocol" means an agreement or contract between an advanced practice nurse and a collaborating physician which conforms to the standards established by the Director of the Division of Consumer Affairs pursuant to this rule.

"Medication" means any substance for which a prescription is required which is intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease, injury, pain or deformity or physical or emotional condition or health problem in humans or intended to affect the structure or function of the human body.