

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).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 37, New Jersey Board of Nursing, expires on July 12, 2005. See: 37 N.J.R. 208(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 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by Examination for Foreign Nurses, Subchapter 5, Licensure by Endorsement, and Subchapter 12, Fee Schedule, were repealed and Subchapter 2, Licensure by Examination; Professional and Practical Nurses, Subchapter 3, Practice as a Graduate Nurse, Subchapter 4, Licensure by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. Seventy-five percent of students from the first or second graduating class, who have taken the licensing examination, pass the examination the first time it is taken by the student; 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".
Amended by R.2005 d.32, effective January 18, 2005.

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

In (b), rewrote 2.

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: 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 21, 2003.

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

Section was "Program 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 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).

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. Such notice shall be given no later than 30 days following the change of address. Service to the 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.

13:37-5.8 Reporting of unlawful conduct

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

New Rule, R.2000 d.55, effective February 7, 2000.

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

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

13:37-5.9 Self-reporting

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

1. Is incapable, for medical or any other good cause, of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare;
2. Is indicted or convicted of a crime involving moral turpitude or a crime adversely relating to his or her practice;
3. Is named as a defendant or respondent in a civil, criminal or administrative investigation, complaint or judgment involving alleged malpractice, negligence or misconduct relating to his or her practice;
4. Is the subject of any voluntary license or certification surrender or any disciplinary action or order by any state or Federal agency, board or commission, including any order of limitation or preclusion; or
5. Fails to maintain or renew any certification which is required by law as a condition of practice or as a condition of license or certification renewal.

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

New Rule, R.2000 d.55, effective February 7, 2000.

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

SUBCHAPTER 6. NURSING PROCEDURES

13:37-6.1 Nursing procedures

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

As amended, R.1984 d.137, eff. April 16, 1984.

See: 15 N.J.R. 1850(a), 16 N.J.R. 922(a).

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

13:37-6.2 Delegation of selected nursing tasks

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

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

1. The substantial knowledge and skill derived from completion of a nursing education program and the specialized skill, judgment and knowledge of a registered nurse;
2. An understanding of nursing principles necessary to recognize and manage complications which may result in harm to the health and safety of the patient.

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

1. The condition of the patient;

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

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

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

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

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

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

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

13:37-6.3 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.

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

1. In writing;

2. Signed by both the advanced practice nurse and the physician, with an acknowledgment that any inappropriate professional behavior or violation of the protocol on the part of either the physician or the advanced practice nurse will be reported to his or her respective licensing board;

3. Maintained on the premises of every office in which the advanced practice nurse practices;

4. Updated on an ongoing basis to reflect changes in the practice, office personnel, skills of the advanced practice nurse, frequency of record review, and reference materials containing practice guidelines or accepted standards of practice; and

5. Reviewed at least on an annual basis.

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

1. The nature of the practice, the patient population (for example, pediatric patients) and settings (for example, inpatient, nursing home, patient residences or other alternative care environments);

2. Any particular circumstances for which, prior to prescribing, a specific examination is to be performed or a definitive diagnosis made;

3. The recordkeeping methodology to be used in the practice (for example, the protocol might indicate that records should contain subjective complaints, objective findings, an assessment and a plan of treatment);

4. A list of categories of medications appropriate to the practice;

5. A delineation of specific medications and the specific number of refills, to be prescribed pursuant to the direction of the physician;

6. Specific requirements with respect to the recordation, in the patient record and/or in separate logs, of medications prescribed or dispensed, dosages, frequency, duration, instructions for use and authorizations for refills;

7. Any medical conditions or findings within the nature of the practice which should require direct consultation prior to the prescribing or ordering of medications or devices;

8. The frequency and methodology to be employed to ensure periodic review of patient records;

Source and Effective Date

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 Historical Note

Subchapter 9, Sexual Assault Nurse Examiner Program, was adopted as R.2004 d.114, effective March 15, 2004 (operative July 13, 2004). See: Source and Effective Date.

13:37-9.1 Purpose and scope

(a) The purpose of this subchapter is to implement the provisions of P.L. 2001, c.81, which establishes a Statewide Sexual Assault Nurse Examiner Program and authorized the certification of sexual assault nurse examiners by the Board and the Attorney General.

(b) This subchapter sets forth standards for the education and certification of sexual assault nurse examiners.

13:37-9.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

“Adult” means a person who is at least 13 years old.

“Board” means the State Board of Nursing.

“Certification” means the formal process by which education is received and the clinical competency of the SANE is demonstrated.

“Child” means a person who is under 13 years.

“Full-time” means that a person has worked at least 800 hours in one year.

“Medical screening examination” means an examination and evaluation within the capability of a hospital’s emergency department, including ancillary services routinely available to the emergency department, performed by qualified personnel pursuant to requirements in N.J.A.C. 8:43G-12, which are necessary to determine whether or not an emergency medical condition exists.

“Sexual assault forensic examination” means an assessment conducted by a physician or a registered professional nurse, consisting of a history and physical examination, medical or nursing diagnosis and intervention, including the collection of evidence.

“Sexual assault nurse examiner (SANE)” means a registered professional nurse licensed in New Jersey, and specially trained to provide comprehensive care to sexual assault victims, who demonstrates competency in conducting a forensic examination and who has successfully completed a course of education as set forth in this subchapter.

13:37-9.3 Application for certification

(a) To be eligible for certification as a SANE, an applicant must:

1. Hold a current license as a registered professional nurse from the Board;
2. Have worked full-time for at least two years as a registered professional nurse;
3. Have successfully completed a SANE education course approved by the Board and the Director of the Division of Criminal Justice, pursuant to N.J.A.C. 13:37-9.5; and
4. Have successfully completed the SANE clinical requirement pursuant to N.J.A.C. 13:37-9.6 and passed a clinical examination given by an approved clinical examination facility pursuant to N.J.A.C. 13:37-9.7(d).

(b) An applicant who attended a SANE education course prior to July 13, 2004 that has not been approved by the Board and the Director of the Division of Criminal Justice shall be eligible for certification if he or she has met the requirements of (a)1, 2 and 4 above and can show that the SANE education course he or she completed would have met the requirements of N.J.A.C. 13:37-9.5.

(c) An applicant for certification as a SANE shall submit, or arrange to have submitted, to the Board:

1. A completed application form which shall include the name, address and telephone number of the applicant;
2. Proof that the applicant has successfully completed a SANE education program, as outlined in N.J.A.C. 13:37-9.5, and the clinical requirements of N.J.A.C. 13:37-9.6 and 9.7(d); and
3. The application fee pursuant to N.J.A.C. 13:37-5.5(d)1.

(d) The Board shall review the application and forward it to the Director of the Division of Criminal Justice, or his or her designee. If both the Board and the Director, or his or her designee, agree that the applicant meets the requirements for certification contained in this subchapter, the Board shall certify the applicant.

13:37-9.4 Pediatric sexual assault forensic examinations

No SANE shall perform a sexual assault forensic examination on a child.

13:37-9.5 SANE education programs

(a) An individual, agency or institution seeking approval for a course in clinical forensics for the purpose of providing education for sexual assault nurse examiners *shall submit* to the Board an application which shall include:

1. The name and address of the individual, agency or institution seeking approval;

2. Proof that the program has been accredited by the American Nurses Credentialing Center's Commission on Accreditation;

3. An outline of the course curriculum specifying the hours allotted to each topic;

4. An affidavit which indicates that the curriculum is included in the SANE education course;

5. An affidavit that program instructors meet the requirements of (d) below;

6. The names and credentials of all instructors for the program; and

7. The name and credentials of the program administrator.

(b) Upon receipt of an application for course approval, the Board shall forward the application to the Director of the Division of Criminal Justice for review. The Board and the Director of the Division of Criminal Justice shall review the application for compliance with (c) below. If the Director of the Division of Criminal Justice and the Board approve the program, a letter of approval shall be provided to the individual, agency or institution which conducts the course. A copy of the letter of approval shall be included with course materials provided to the students.

(c) A course in SANE education shall be completed within a six-month period. A course shall contain a minimum of 40 hours of didactic instruction in the following:

1. Historical perspectives of sexual assault and sexual assault nurse examiners, for a minimum of one-half hour;

2. Definitions and facts of sexual assault, for a minimum of one hour;

3. Role and responsibility of the sexual assault nurse examiner, for a minimum of one and one-half hours;

4. Orientation to the biopsychosocial aspects of sexual assault issues and cultural needs of the sexual assault victim, for a minimum of one hour;

5. Symptomology of survivors and crisis intervention skills, for a minimum of one hour;

6. Rape trauma syndrome and post-traumatic stress disorder, for a minimum of one hour;

7. Needs of special populations, such as persons with physical or mental disabilities or older adults, for a minimum of one and one-half hours;

8. Vicarious victimization, for a minimum of one-half hour;

9. Identification of the practice skills necessary to complete the sexual assault forensic examination, for a minimum of one hour;

10. History-taking skills, for a minimum of two hours;

11. Components of a thorough forensic physical assessment, for a minimum of two hours;

12. Orientation to the female and male genital anatomy and development stages, for a minimum of one and one-half hours;

13. Detailed genital examination for injury identification, for a minimum of three hours;

14. Familiarization with fact based documentation, for a minimum of one and one-half hours;

15. Laws specific to sexual assault, for a minimum of one hour;

16. Laws and procedures for evidence collection, for a minimum of two hours;

17. Medical and nursing treatment for the adult sexual assault survivor, for a minimum of one hour;

18. Review of the Nurse Practice Act, N.J.S.A. 45:11-24 et seq., and its application to SANE practice, for a minimum of one-half hour;

19. Various stages of genital healing, for a minimum of one hour;

20. Medical treatment/forensic implications of sexually transmitted diseases, for a minimum of one hour;

21. County multi-disciplinary team system approach, review of Sexual Assault Response Team policies and procedures for a minimum of two hours;

22. Examinations of sexual assault victims, utilizing specialized adjunct equipment including a colposcope, for a minimum of two hours;

23. Laws specific to the reporting of sexual abuse of special populations, for a minimum of one hour;

24. Fact and expert witness testimony, for a minimum of two hours;

25. Criminal trial procedure, for a minimum of one hour;

26. Testimony techniques, for a minimum of one hour;

27. Medical screening examinations, as required by 42 CFR § 489.24 and N.J.A.C. 8:43G, for a minimum of one-half hour;

28. Ethics of nursing and ethical considerations pertaining to evidence collection, for a minimum of one hour;

29. Issues relating to drug facilitated sexual assault, for a minimum of one hour; and

30. Discharge planning for the sexual assault victim, for a minimum of one hour.

(d) The didactic instruction required in (c) above shall be taught by an instructor who either has a masters degree in nursing from a school accredited by the New Jersey Department of Education, or another state's department of education, or who is a SANE. Didactic instruction in topics required by (c)15, 23, 24, 25 and 26 above may be taught by an attorney. Didactic instruction in topics required by (c)16 above may be taught by an attorney or by an investigator or detective who is part of a New Jersey law enforcement agency. Didactic instruction in topics required by (c)1, 5, 6, 7 and 21 above may be taught by an individual who is recognized as a rape care advocate pursuant to N.J.S.A. 52:4B-52.

(e) Each clinical forensics course shall include a written examination. Upon completion of the clinical forensics course, each student shall successfully pass the examination.

(f) Every program shall have an administrator who has direct authority for the fiscal and academic administration of the program. The administrator shall have a masters degree in nursing from a school accredited by the New Jersey Department of Education, or another state's department of education.

(g) The clinical forensics course shall meet the requirements of Educational Design I or Educational Design II programs as set forth by the American Nurses Credentialing Center's Commission on Accreditation in the "Manual for Accreditation as an Approver of Continuing Education in Nursing" (1996), available from the American Nurses Credentialing Center, 600 Maryland Ave., SW, Suite 100 West, Washington, DC 20024-2571, which is incorporated herein by reference, as amended and supplemented.

13:37-9.6 Clinical education

(a) Applicants for certification as a SANE shall complete classroom education, pursuant to N.J.A.C. 13:37-9.5, before beginning their clinical education.

(b) An applicant shall complete a clinical program consisting of:

1. A minimum of 10 routine gynecological genital inspections, which include speculum examinations, in a clinic or in clinical settings supervised by an advanced practice nurse or physician; and

2. A minimum of five simulated sexual assault examinations using a State of New Jersey Sexual Assault Evidence Collection Kit, in a clinical examination facility approved by the Board and the Director of the Division of Criminal Justice pursuant to N.J.A.C. 13:37-9.7 or run by the Division of Criminal Justice.

(c) Documentation of the completed clinical education shall be dated and signed by the supervising advanced practice nurse or physician.

(d) An individual who attended to five victims of sexual assault as part of a county SANE program prior to July 13, 2004 shall be deemed to have met the requirements of (b)2 above and need not complete the five simulated sexual assault examinations required by (b)2 above in order to obtain certification.

13:37-9.7 Clinical education facilities

(a) A Board accredited school of nursing may apply to the Board for approval as a clinical education facility. An applicant for approval shall submit to the Board:

1. Documents which show that the clinical education facility is equipped with a colposcope and all other equipment needed for a comprehensive sexual assault forensic examination;

2. Evidence that the clinical education facility has a person who will act as a surrogate sexual assault victim;

3. An outline of what the person(s) acting as a surrogate sexual assault victim will say during a sexual assault examination;

4. Evidence that the clinical education facility can provide the opportunity for individuals to complete the five sexual assault examinations required by N.J.A.C. 13:37-9.6(b); and

5. After July 13, 2005, evidence that the training facility has an instructor who is a SANE.

(b) The Board shall review the application to ensure that the clinical education facility meets the requirements of (a) above and shall forward the application to the Director of the Division of Criminal Justice for approval. Once the Board and the Director have approved the clinical education facility the Board shall send a letter to the clinical education facility indicating that it has been approved.

(c) An approved clinical education facility shall provide an opportunity for individuals to complete the five sexual assault forensic examinations required by N.J.A.C. 13:37-9.6(b)2.

(d) An approved clinical education facility shall, upon completion of the clinical education required by N.J.A.C. 13:37-9.6(b)2, provide an examination which tests the ability of a sexual assault nurse examiner applicant to perform sexual assault forensic examinations. The facility shall forward the results of this examination to the Board.

13:37-9.8 Renewal of certification

(a) Certification as a SANE shall be valid for two years.

(b) Certified SANEs shall renew certification biennially by submitting to the Board:

1. A completed application for renewal; and

2. The biennial renewal fee, pursuant to N.J.A.C. 13:37-5.5(d)3.

13:37-9.9 Revocation or suspension of certification

(a) The Board and the Director of the Division of Criminal Justice may revoke or suspend a certification, after affording an opportunity to be heard, if they find that a SANE has:

1. Falsified documentation;
2. Violated patient confidentiality;
3. Been convicted of a crime;
4. Been convicted of an offense involving perjury, dishonesty, fraud or misrepresentation, or sex offense; or
5. Violated the provisions of N.J.S.A. 45:1-21.

13:37-9.10 Endorsement

(a) A registered professional nurse, licensed in New Jersey, who is working as a SANE in another state may apply for certification as a SANE in New Jersey if the applicant is certified by another state as a SANE and the applicant:

1. Has completed a course and clinical education substantially similar to the requirements of N.J.A.C. 13:37-9.5 and 9.6;
2. Takes a one-day course which covers the information required by N.J.A.C. 13:37-9.5(c)15, 16, 27 and 28; and
3. Passes a clinical competency examination given by a clinical examination facility pursuant to N.J.A.C. 13:37-9.7(d).

(b) An applicant for certification by endorsement shall submit to the Board:

1. A completed application for certification by endorsement form which shall include the name, address and telephone number of the applicant;
2. Evidence that the applicant is licensed as a registered professional nurse in New Jersey;
3. Evidence that the applicant is certified in another state and has worked in the past year as a SANE;
4. Evidence that the applicant has successfully completed a course with a curriculum substantially similar to that required by N.J.A.C. 13:37-9.5;
5. Evidence that the applicant has successfully completed clinical education which is substantially similar to that required by N.J.A.C. 13:37-9.6;
6. Evidence that the applicant has passed a clinical competency examination given by an approved clinical examination facility;
7. Evidence that the applicant has taken a one day course which reviews those topics required by N.J.A.C. 13:37-9.5(c)15, 16, 27 and 28; and

8. The application fee pursuant to N.J.A.C. 13:37-5.5(d)4.

(c) The Board shall review the endorsement application and forward it to the Director of Criminal Justice for review and approval. Once both the Board and the Director have approved the applicant, the Board shall issue the applicant a certification as a SANE in New Jersey.

SUBCHAPTERS 10. THROUGH 12. (RESERVED)

SUBCHAPTER 13. NURSE ANESTHETISTS

13:37-13.1 Nurse anesthetist practice

(a) A licensee who wishes to practice as a nurse anesthetist shall:

1. Hold current licensure as a registered professional nurse in this State;
2. Have graduated from a program in nurse anesthesia accredited by the Council on Accreditation of Nurse Anesthesia Educational Programs of the American Association of Nurse Anesthetists;
3. Pass the certifying examination administered by the Council on Certification of Nurse Anesthetists of the American Association of Nurse Anesthetists; and
4. Recertify biennially with the Council on Recertification of Nurse Anesthetists of the American Association of Nurse Anesthetists.

(b) A nurse anesthetist shall only practice at a location which has established written policies and procedures which meet minimum accepted standards of nurse anesthesia practice and the standards of the American Association of Nurse Anesthetists. A nurse anesthetist shall comply with said policies and procedures and shall ensure that they are reviewed annually, revised as necessary and that they address at least the following areas: verification of qualifications; continuing education; delineation of the responsibilities of all personnel; anesthetic agents which may be administered and under what conditions and/or supervision; pre-anesthesia evaluation; patient preparation; intra-operative monitoring; post-operative monitoring; peri-operative documentation (pre/intra/post-operative); administration and documentation of medications; responsibilities of all personnel for assuring that anesthesia supplies and equipment are available and in working order; and patient emergencies.

Amended by R.1993 d.306, effective June 21, 1993.
See: 24 N.J.R. 4020(a), 25 N.J.R. 2695(a).
Amended by R.1995 d.88, effective February 21, 1995.
See: 26 N.J.R. 4731(a), 27 N.J.R. 728(a).

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

13:37-13.2 Practice pending the results of the examination

(a) Pending the results of the first scheduled certifying examination following completion of an approved program in nurse anesthesia, a graduate nurse anesthetist who meets the requirements of N.J.A.C. 13:37-13.1(a)1 and 2 may practice as a nurse anesthetist under the direct supervision of a certified registered nurse anesthetist or qualified physician-anesthesiologist unless otherwise prohibited by State law or regulation. For the purpose of this subsection direct supervision shall mean the physical presence of said supervisor within the immediately accessible area, unit or suite in which anesthesia is being administered.

(b) A nurse anesthetist who fails to apply and sit for or fails to pass the first scheduled certifying examination following completion of an approved program in nurse anesthesia shall not continue to practice after the date of said examination.

Amended by R.1993 d.306, effective June 21, 1993.
See: 24 N.J.R. 4020(a), 25 N.J.R. 2695(a).

SUBCHAPTER 14. HOMEMAKER-HOME HEALTH AIDES

13:37-14.1 Purpose and scope

(a) The rules in this subchapter are designed to protect the health and safety of the public through certification of homemaker-home health aides, pursuant to N.J.S.A. 45:11-24(d)(20).

(b) This subchapter prescribes standards and curricula for homemaker-home health aide education and training programs which a homemaker-home health aide, as defined in this subchapter, is required to complete in order to work in this State. This subchapter also establishes standards and requirements for homemaker-home health aide certification and for the renewal, suspension or revocation of that certification.

13:37-14.2 Definitions

The following words and terms, as used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Activities of daily living” means the functions or tasks for self-care which are performed either independently or with supervision or assistance. Activities of daily living include at least mobility, transferring, walking, grooming, bathing, dressing and undressing, eating, and toileting.

“Homemaker-home health aide” means a person who is employed by a home care services agency and who, under supervision of a registered professional nurse, follows a delegated nursing regimen or performs tasks which are delegated consistent with the provisions of N.J.A.C. 13:37-6.2.

“Program coordinator” means the nurse responsible for the training program curriculum.

“Program sponsor” means the agency, hospital or educational institution or entity granted approval by the Board of Nursing to conduct a homemaker-home health aide training program.

13:37-14.3 Duties of a homemaker-home health aide; supervision

(a) The duties of a homemaker-home health aide may include, but not be limited to, providing personal care and homemaking services essential to the patient’s health care and comfort at home, including shopping, errands, laundry, meal planning and preparation (including therapeutic diets), serving of meals, child care and assisting the patient with activities of daily living.

(b) A homemaker-home health aide shall not administer medications.

(c) The registered professional nurse who is supervising a homemaker-home health aide shall ensure that the patient care provided by the homemaker-home health aide does not exceed the tasks and procedures which the homemaker-home health aide has satisfactorily demonstrated, as documented by the registered professional nurse.