

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.2005 d.251, effective July 6, 2005.
See: 37 N.J.R. 208(a), 37 N.J.R. 2885(a).

Chapter Expiration Date

Chapter 37, New Jersey Board of Nursing, expires on July 6, 2010.

Chapter Historical Note

Chapter 37, New Jersey Board of Nursing, was adopted as R.1970 d.66, effective June 3, 1970. See: 1 N.J.R. 22(a), 2 N.J.R. 55(e).

Subchapter 13, Nurse Anesthetists, was adopted by R.1984 d.493, effective November 5, 1984. See: 16 N.J.R. 2067(a), 16 N.J.R. 3054(d).

Pursuant to Executive Order No. 66(1978), Subchapter 2, Licensure by Examination for Professional Nurses, Subchapter 3, Licensure by Examination for Practical Nurses, Subchapter 4, Foreign Nurses, Subchapter 5, Licensure by Endorsement, and Subchapter 6, Nursing Procedures, were readopted as R.1985 d.105, effective March 4, 1985. See: 16 N.J.R. 3179(a), 17 N.J.R. 607(a).

Pursuant to Executive Order No. 66(1978), Chapter 37, New Jersey Board of Nursing, was readopted by R.1990 d.122, effective January 23, 1990. See: 21 N.J.R. 3854(b), 22 N.J.R. 6631(a).

Subchapter 7, Certification of Nurse Practitioners/Clinical Nurse Specialists, was adopted as R.1994 d.212, effective May 2, 1994. See: 25 N.J.R. 2829(a), 26 N.J.R. 1876(a).

Subchapter 14, Homemaker-Home Health Aides, was adopted as R.1994 d.289, effective June 6, 1994, with N.J.A.C. 13:37-14.10, Competency examination, operative December 6, 1994. See: 25 N.J.R. 1950(a), 25 N.J.R. 3704(b), 26 N.J.R. 2293(c).

Pursuant to Executive Order No. 66(1978), Chapter 37, New Jersey Board of Nursing, was readopted by R.1995 d.88, effective January 19, 1995, and Subchapter 2, Licensure by Examination for Professional Nurses, Subchapter 3, Licensure by Examination for Practical Nurses, Subchapter 4, Licensure by Examination for Foreign Nurses, Subchapter 5, Licensure by Endorsement, and Subchapter 12, Fee Schedule, were repealed and Subchapter 2, Licensure by Examination; Professional and Practical Nurses, Subchapter 3, Practice as a Graduate Nurse, Subchapter 4, Licensure by Endorsement; Professional and Practical Nurses, and Subchapter 5, General Requirements of Licensure; License Renewal; Fee Schedule, were adopted as new rules by R.1995 d.88, effective February 21, 1995. See: 26 N.J.R. 4731(a), 27 N.J.R. 728(a).

Pursuant to Executive Order No. 66(1978), Chapter 37, New Jersey Board of Nursing, was readopted by R.2000 d.55, effective January 13, 2000, and Subchapter 3, Practice as a Graduate Nurse, was repealed by R.2000 d.55, effective February 7, 2000. See: 31 N.J.R. 3988(a), 32 N.J.R. 450(a).

Subchapter 8, Nursing Practice, was adopted by R.2004 d.82, effective February 24, 2004. See: 35 N.J.R. 502(a), 36 N.J.R. 960(a). Subchapter 9, Sexual Assault Nurse Examiner Program, was adopted by R.2004 d.114, effective March 15, 2004 (operative July 13, 2004). See: 35 N.J.R. 1195(a), 36 N.J.R. 1407(a). Subchapter 16, Massage, Bodywork and Somatic Therapy Examining Committee, was adopted by R.2004 d.432, effective November 15, 2004. See: 35 N.J.R. 4819(a), 36 N.J.R. 5133(a).

Chapter 37, New Jersey Board of Nursing, was readopted by R.2005 d.251, effective July 6, 2005. See: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. PROGRAMS IN NURSING EDUCATION

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

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

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

SUBCHAPTER 3. (RESERVED)

SUBCHAPTER 4. LICENSURE BY ENDORSEMENT; PROFESSIONAL AND PRACTICAL NURSES

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

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

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

SUBCHAPTER 6. NURSING PROCEDURES

- 13:37-6.1 Nursing procedures
- 13:37-6.2 Delegation of selected nursing tasks
- 13:37-6.3 Standards for joint protocols between advanced practice nurses and collaborating physicians
- 13:37-6.4 Identification tags

SUBCHAPTER 7. CERTIFICATION OF NURSE PRACTITIONERS/CLINICAL NURSE SPECIALISTS

- 13:37-7.1 Application for certification
- 13:37-7.2 Educational requirements for certification
- 13:37-7.3 Examination requirements for certification
- 13:37-7.4 Educational and examination certification requirements in the area of OB/GYN and women's health
- 13:37-7.5 Biennial certification renewal
- 13:37-7.6 Prescriptive practice
- 13:37-7.7 Requirements for issuing prescriptions and orders; dispensing medications
- 13:37-7.8 Certification by endorsement
- 13:37-7.9 Requirements for nurse practitioner/clinical nurse specialists certified pursuant to N.J.S.A. 45:11-48
- 13:37-7.10 Practice as registered professional nurse
- 13:37-7.11 Categories of advanced practice
- 13:37-7.12 (Reserved)

SUBCHAPTER 8. NURSING PRACTICE

- 13:37-8.1 through 13:37-8.2 (Reserved)
- 13:37-8.3 Sexual misconduct

SUBCHAPTER 9. FORENSIC NURSE-CERTIFIED SEXUAL ASSAULT PROGRAM

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

SUBCHAPTERS 10 THROUGH 12. (RESERVED)

SUBCHAPTER 13. NURSE ANESTHETISTS

- 13:37-13.1 Nurse anesthetist practice
- 13:37-13.2 Practice pending the results of the examination

SUBCHAPTER 14. HOMEMAKER-HOME HEALTH AIDES

- 13:37-14.1 Purpose and scope
- 13:37-14.2 Definitions
- 13:37-14.3 Duties of a homemaker-home health aide; supervision
- 13:37-14.4 Homemaker-home health aide training program
- 13:37-14.5 Home care and hospice care training programs
- 13:37-14.6 Program sponsor; responsibilities
- 13:37-14.7 Program coordinator; responsibilities
- 13:37-14.8 Program instructor; responsibilities
- 13:37-14.9 Homemaker-home health aides; training program requirement
- 13:37-14.10 Application for certification; documents required
- 13:37-14.11 Competency examination
- 13:37-14.12 Waiver of training program requirement
- 13:37-14.13 Initial certification and renewal
- 13:37-14.14 Certification by endorsement
- 13:37-14.15 Duties and powers of the Board

SUBCHAPTER 15. (RESERVED)

SUBCHAPTER 16. MESSAGE, BODYWORK AND SOMATIC THERAPY EXAMINING COMMITTEE

- 13:37-16.1 Purpose and scope
- 13:37-16.2 Definitions
- 13:37-16.3 Certification without education or examination
- 13:37-16.4 Application for certification

- 13:37-16.5 Certification without examination based on licensure in another state
- 13:37-16.6 Renewal of certification
- 13:37-16.7 Scope of practice
- 13:37-16.8 Infection control precautions
- 13:37-16.9 Designations for certified persons, prohibitions on uncertified persons
- 13:37-16.10 Display of certification
- 13:37-16.11 Continuing education, programs, standards
- 13:37-16.12 Sexual misconduct
- 13:37-16.13 Advertising and solicitation practices
- 13:37-16.14 Recordkeeping
- 13:37-16.15 Change in address of record or name
- 13:37-16.16 Informed consent

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;

- 4. Application for licensure by endorsement 75.00 plus initial license fee set forth in (a)2 above
- 5. Verification for endorsement..... 30.00
- 6. Renewal of license (biennial)
 - i. Active..... 120.00
 - ii. Inactive..... 60.00
- 7. Late license renewal (one to 30 days)..... 50.00 plus the applicable biennial license renewal fee set forth in (a)6 above
- 8. Reinstatement fee 100.00
- 9. Duplicate license 35.00
- 10. Written verification of licensure..... 25.00
- 11. Copy of Nurse Practice Act..... 5.00
- 12. Alternative to Discipline surcharge 5.00

(b) The following fees shall be charged by the Board in connection with certification of homemaker-home health aides:

- 1. Application fee \$50.00
- 2. Program approval fee for each location at which course is offered (annual) 250.00
- 3. Instructor’s Manual 25.00
- 4. Student Manual 15.00
- 5. Initial certification fee
 - i. If paid during the first year of a biennial renewal period..... 30.00
 - ii. If paid during the second year of a biennial renewal period..... 15.00
- 6. Renewal of certificate (biennial) 30.00
- 7. Late renewal of certificate (one to 30 days)..... 10.00 plus the certification renewal fee set forth in (b)6 above
- 8. Lapsed certification fee (after 30 days) 20.00 plus the certification renewal fee set forth in (b)6 above
- 9. Duplicate certificate 10.00
- 10. Application for certification by endorsement 30.00 plus the applicable initial certification fee set forth in (b)5 above

(c) The following fees shall be charged by the Board in connection with certification of nurse practitioners/clinical nurse specialists:

- 1. Application fee\$100.00
- 2. Initial certification fee
 - i. If paid during the first year of a biennial renewal period 160.00
 - ii. If paid during the second year of a biennial renewal period 80.00
- 3. Renewal of certification (biennial)..... 160.00
- 4. Application for certification by endorsement..... 100.00 plus the applicable initial certification fee set forth in (c)2 above
- 5. Late renewal of certificate (one to 30 days)..... 75.00 plus the certification renewal fee set forth in (c)3 above
- 6. Lapsed certification fee (after 30 days)..... 100.00 plus the certification renewal fee set forth in (c)3 above
- 7. Duplicate certificate..... 35.00

(d) The following fees shall be charged by the Board in connection with accreditation of nursing programs:

- 1. Initial accreditation application..... \$1,000
- 2. Renewal of accreditation without waiver 1,000
- 3. Renewal of accreditation with waiver 400.00

(e) The following fees shall be charged by the Board in connection with certification of forensic nurses-certified sexual assault:

- 1. Application fee.....\$100.00
- 2. Initial certification fee
 - i. If paid during the first year of a biennial renewal period 100.00
 - ii. If paid during the second year of a biennial renewal period 50.00
- 3. Renewal of certification (biennial)..... 100.00
- 4. Application for certification by endorsement..... 100.00
Plus the applicable initial certification fee set forth in (e)2 above

(f) The following fees shall be charged by the Board in connection with certification of massage, bodywork and somatic therapists:

- 1. Application fee \$75.00
- 2. Initial certification fee
 - i. If paid during the first year of a biennial renewal period \$120.00
 - ii. If paid during the second year of a biennial renewal period \$60.00
- 3. Renewal of certification..... \$120.00
- 4. Late certification renewal \$50.00
Plus the applicable biennial certification renewal fee set forth in (f)3 above
- 5. Lapsed certificate fee..... \$100.00
Plus the applicable biennial certification renewal fee set forth in (f)3 above
- 6. Continuing education sponsor fee..... \$100.00
- 7. Duplicate certificate..... \$35.00
- 8. Inactive license fee (to be established by the Committee by rule)
- 9. Verification of certification for endorsement..... \$30.00
- 10. Written verification of certification \$25.00

Amended by R.1996 d.127, effective March 4, 1996.
See: 27 N.J.R. 4496(a), 28 N.J.R. 1394(a).
Amended by R.1999 d.49, effective February 1, 1999.
See: 30 N.J.R. 3602(a), 31 N.J.R. 443(a).
Rewrote the section.
Recodified from N.J.A.C. 13:37-5.8 by R.2000 d.55, effective February 7, 2000.
See: 31 N.J.R. 3988(a), 32 N.J.R. 450(a).
Former N.J.A.C. 13:37-5.5, Self-reporting, repealed.
Amended by R.2003 d.167, effective April 21, 2003.
See: 34 N.J.R. 1317(a), 35 N.J.R. 1678(a).
Added (d).

Amended by R.2004 d.114, effective March 15, 2004 (operative July 13, 2004).

See: 35 N.J.R. 1195(a), 36 N.J.R. 1407(a).

Added (e).

Amended by R.2004 d.432, effective November 15, 2004.

See: 35 N.J.R. 4819(a), 36 N.J.R. 5133(a).

Added (f).

Amended by R.2006 d.117, effective March 20, 2006.

See: 37 N.J.R. 4179(a), 38 N.J.R. 1461(a).

In (a), (b) and (c), increased fees throughout; deleted (a)11.

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

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

Added new (a)2; recodified former (a)2 through (a)10 as (a)3 through (a)11.

Administrative correction.

See: 38 N.J.R. 2834(d).

Amended by R.2007 d.138, effective May 7, 2007.

See: 38 N.J.R. 4397(a), 39 N.J.R. 1757(a).

Added (f)9 and (f)10.

Amended by R.2008 d.55, effective March 17, 2008.

See: 39 N.J.R. 1997(a), 40 N.J.R. 1677(a).

In (e), substituted "forensic nurses-certified sexual assault" for "sexual assault nurse examiners".

Amended by R.2008 d.102, effective April 21, 2008.

See: 40 N.J.R. 91(a), 40 N.J.R. 2117(b).

Added (a)12.

Amended by R.2008 d.139, effective June 2, 2008.

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

In (a)7, substituted "(a)6" for "(a)5" in the second column; and rewrote (a)8.

13:37-5.6 Responsibilities of licensure

A licensee shall be held to the level of practice associated with his or her licensure, either as a registered professional nurse or licensed practical nurse, regardless of his or her employment status. For example, when a registered professional nurse is employed as a licensed practical nurse, he or she will be held to the standards of a registered professional nurse.

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

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

9. Identification of the means by which the advanced practice nurse and collaborating physician can be in direct communication, as well as a description of arrangements which will assure that the collaborating physician or peer coverage is accessible and available;

10. Procedures for the use of medications in emergency situations; and

11. Identification of reference materials containing practice guidelines or accepted standards of practice.

(d) Failure to establish and implement joint protocols consistent with the standards set forth in this section and any violation of the joint protocol by an advanced practice nurse or physician may be deemed professional misconduct or other grounds for disciplinary sanction within the meaning of N.J.S.A. 45:1-21 by his or her respective licensing board.

New Rule, R.2000 d.274, effective July 3, 2000 (operative September 1, 2000).
See: 31 N.J.R. 1459(a), 32 N.J.R. 2448(a).

13:37-6.4 Identification tags

(a) Each licensee or certificate holder shall wear an identification tag when engaging in the practice for which the individual is licensed or certified. The identification tag shall be clearly visible at all times, and such tag shall bear the first name or initial, the full surname and the term reflecting the individual's level of licensure or certification, for example, Registered Nurse or R.N. The letters on the tag shall be of equal size in type, not smaller than one-quarter inch. The size of the identification tag shall be equal to or greater than that of any other identification worn by the licensee or certificate holder.

(b) Where a general hospital requires a facility staff member who is a licensee or a certificate holder to wear an identifying badge pursuant to P.L. 1997, c.76 (N.J.S.A. 26:2H-12.8a), that staff member need only wear only one identification badge, as long as the badge meets requirements of both P.L. 1997, c.76 (N.J.S.A. 26:2H-12.8a) and (a) above.

(c) In order to protect his or her personal safety or to prevent the substantial invasion of his or her privacy, or to prevent the identification tag from causing physical harm to the patient, a licensee or certificate holder may request an exemption from the requirements of (a) above. Such requests for an exemption shall be made by the licensee or certificate holder in writing to the Board and shall set forth the reasons why wearing the tag would endanger the licensee's or the certificate holder's personal safety, substantially

invade the licensee's or the certificate holder's privacy or physically harm a patient.

(d) The exemption set forth in (c) above shall not apply to those facility staff members in a general hospital, where such general hospital requires a facility staff member to wear an identifying badge pursuant to P.L. 1997, c.76 (N.J.S.A. 26:2H-12.8a).

New Rule, R.1999 d.406, effective December 6, 1999.
See: 31 N.J.R. 1895(a), 31 N.J.R. 4074(a).

SUBCHAPTER 7. CERTIFICATION OF NURSE PRACTITIONERS/CLINICAL NURSE SPECIALISTS

Subchapter Historical Note

Petition for Rulemaking. See: 35 N.J.R. 2374(a), 2754(a), 5169(a).

13:37-7.1 Application for certification

(a) Any nurse who wishes to practice as a nurse practitioner/clinical nurse specialist, or present, call or represent himself or herself as a nurse practitioner/clinical nurse specialist must be certified by the Board.

(b) Each applicant for certification shall submit the following materials to the Board:

1. Proof of a current New Jersey registered professional nurse license in good standing;

2. A completed application form and the application fee set forth in N.J.A.C. 13:37-5.8(c)1. The application form solicits information including: general biographical, educational and experiential data;

3. Proof that the applicant has successfully completed the educational requirements set forth in N.J.A.C. 13:37-7.2 or, where applicable, N.J.A.C. 13:37-7.4. The applicant shall obtain verification of successful completion from the school(s) where the applicant completed the educational requirements; and

4. Proof that the applicant has successfully completed the examination requirements set forth in N.J.A.C. 13:37-7.3 or, where applicable, the certification requirements of N.J.A.C. 13:37-7.4.

Amended by R.1999 d.49, effective February 1, 1999.
See: 30 N.J.R. 3602(a), 31 N.J.R. 443(a).
In (b)2, changed N.J.A.C. reference.

13:37-7.2 Educational requirements for certification

(a) Each applicant for certification shall be required to successfully complete and graduate from a masters level program designed to educate and prepare the nurse practitioners/clinical nurse specialists at a school duly accredited by any national accrediting agency approved by the Board.

(b) Each applicant shall be required to successfully complete a graduate level credit course in pharmacology from a school duly accredited by any national accrediting agency approved by the Board. Successful completion of a pharmacology course integrated into the masters level program referred to in (a) above will satisfy this requirement.

(c) Each applicant who has completed the pharmacology requirements referred to in (b) above more than five years prior to the filing date of his or her initial application for certification under N.J.S.A. 45:11-45 et seq. and this subchapter, shall be required to successfully complete one of the following:

1. A graduate level credit course in pharmacology from a school duly accredited by any national accrediting agency approved by the Board; or
2. Thirty contact hours in continuing professional education which:
 - i. Are related to the applicant's advanced practice category's scope of practice;
 - ii. Include pharmacokinetics and pharmacodynamic principles and their clinical application;
 - iii. Include the use of pharmacological agents in the prevention of illness, restoration and maintenance of health; and
 - iv. Are obtained within five years immediately prior to the date of application for prescriptive authority.

13:37-7.3 Examination requirements for certification

(a) Each applicant for certification shall be required to successfully pass the highest level practice examination in the area of specialization approved by the Board.

(b) Each applicant who meets the educational requirements of N.J.A.C. 13:37-7.2 shall apply to take the first available examination for which the applicant is eligible. The applicant may engage in advanced nursing practice pending the results of the first available examination, provided that the applicant clearly delineates the word, "applicant" each time said applicant assumes the title or designation of a "nurse practitioner/clinical nurse specialist" or any of its abbreviations. If the applicant is unsuccessful in passing two consecutive examinations, he or she shall not be eligible to engage in advanced nursing practice but shall not be denied the right to continue to take any examination for certification for which he or she qualifies. Said examination requirements must be completed within two years of the date of initial application.

13:37-7.4 Educational and examination certification requirements in the area of OB/GYN and women's health

(a) Applicants seeking certification as a nurse practitioner/clinical nurse specialist in the specialty area of OB/GYN or women's health on or before May 2, 2002 may be certified, provided said applicant submits the following to the Board:

1. Proof of successful completion of a post basic nursing certificate program accredited and/or approved by an entity acceptable to the Board of at least one academic year in the area of OB/GYN or women's health;
2. Proof of current certification from a nationally recognized OB/GYN or women's health certifying body approved by the Board;
3. Proof of successful completion of a six month preceptor program approved or given by an entity acceptable to the Board; and
4. Proof of successful completion of a pharmacology course which meets the following requirements:
 - i. A pharmacology course integrated into the post basic certificate program referred to in (a)2 above or equivalent pharmacology course, as determined by the Board;
 - ii. Each applicant who has completed the pharmacology requirements referred to in (a)4i above more than five years prior to the filing date of the initial application for certification under this subchapter shall be required to successfully complete one of the following:
 - (1) A graduate level credit course in pharmacology from a school duly accredited by any national accrediting agency approved by the Board; or
 - (2) Thirty contact hours of continuing professional education courses devoted to pharmacology and drug management approved by the Board as set forth in N.J.A.C. 13:37-7.2(c)1. Each contact hour shall represent or be equivalent to 50 minutes of actual course attendance.

13:37-7.5 Biennial certification renewal

(a) Every person who has been granted initial certification under N.J.S.A. 45:11-47 and 48 and this subchapter shall submit a timely application for certification renewal on a biennial basis. Subject to the grounds for disciplinary action listed in N.J.S.A. 45:1-21 or elsewhere in N.J.S.A. 45:11-23 et seq. or 45:1-14 et seq., a biennial certificate shall be issued by the Board upon the applicant's submission of proof that during the two calendar years immediately preceding application for renewal the applicant successfully completed 30 contact hours in continuing professional education courses approved by the Board as set forth in N.J.A.C. 13:37-7.2(c)1. Each contact hour shall represent or be equivalent to 50 minutes of actual course attendance. Failure to submit the aforementioned proof of continuing education shall constitute grounds for the refusal to renew said certification.

(b) No person shall practice as a nurse practitioner/clinical nurse specialist, or present, call or represent himself or herself as a nurse practitioner/clinical nurse specialist unless he or she has been duly issued and received a current biennial certificate to practice as a nurse practitioner/clinical nurse specialist pursuant to N.J.S.A. 45:11-45 et seq.

13:37-7.6 Prescriptive practice

Each nurse practitioner/clinical nurse specialist shall prescribe/order medications and devices in conformity with the provisions of this subchapter, N.J.S.A. 45:11-45 et seq., (especially N.J.S.A. 45:11-49) and jointly developed protocols. Each nurse practitioner/clinical nurse specialist shall prescribe/order medications and devices only at location(s) where written joint protocols are reviewed, updated and signed at least annually by the nurse practitioner/clinical nurse specialist and his or her collaborating physician.

13:37-7.7 Requirements for issuing prescriptions and orders; dispensing medications

(a) Every nurse practitioner/clinical nurse specialist issuing prescriptions and orders or dispensing medications in any setting other than in a licensed acute care or long-term care facility shall provide the following on all said prescriptions and orders:

1. The prescriber's full name, address, telephone number, license number, certification number and academic degree. This information shall be printed on all prescriptions/orders;
2. The full name, age and address of the patient;
3. The date of issuance of prescription/order;
4. The signature of prescriber, hand-written as "R.N., N.P., C." or "R.N., C.N.S., C."; and
5. The full name and academic degree of the collaborating physician. For prescriptions only, the address and telephone number of the collaborating physician shall be printed.

(b) Every nurse practitioner/clinical nurse specialist who prescribes/orders medications shall, in addition to the information set forth in (a) above, provide the following on all prescriptions.

1. The name, strength, route and quantity of drug or drugs to be dispensed;
2. Adequate instructions for the patient; a direction of "prn" or "as directed" alone shall be deemed an insufficient direction;
3. The number of refills permitted or time limit for refills, or both;
4. Every prescription blank shall be imprinted with the words "substitution permissible" and "do not substitute" and shall contain space for the nurse practitioner/clinical nurse specialist's initials next to the chosen option, in addition to the space required for the signature in (a)4 above;

5. Every nurse practitioner/clinical nurse specialist shall assure that each container of medication dispensed directly to a patient is labeled in a legible manner with at least the following information:

- i. The full name(s) of the nurse practitioner/clinical specialist and the collaborating physician;
- ii. The full name of patient;
- iii. The date medication is dispensed;
- iv. The expiration date of medication;
- v. The name, strength and quantity of medication dispensed; and
- vi. Adequate instructions for the patient regarding the frequency of administration of the medication;

6. When a nurse practitioner/clinical nurse specialist dispenses a pharmaceutical sample which has been packaged and labeled by the manufacturer and such sample package contains the information required by (b)5ii, v and vi above, the information listed in (b)5i and iii, inclusive, above need not be added;

7. When a nurse practitioner/clinical nurse specialist dispenses a medication other than a sample exempted pursuant to (b)6 above in a container without sufficient space for the information required by this subsection, the container shall be placed in a large container or envelope and the larger container or envelope shall be labeled as indicated in this subsection; and

8. Each container of medication dispensed shall contain only one type of medication.

(c) In no instance shall a nurse practitioner/clinical nurse specialist dispense drugs or sign a blank prescription form without complying with the standards in (b) above.

(d) In licensed acute care and long term care facilities where routine identifying information is maintained on file in a central repository or in the patients' record, it shall not be required for the nurse practitioner/clinical nurse specialist to include the identifying information contained in (a)1, 2 and 5 above on each prescription or order.

13:37-7.8 Certification by endorsement

A nurse practitioner/clinical nurse specialist certified in another state who wishes to practice as a nurse practitioner/clinical nurse specialist, or present, call or represent himself or herself as a nurse practitioner/clinical nurse specialist must be certified by the Board and must meet all of the requirements provided in N.J.A.C. 13:37-7.1. Said applicant shall submit to the Board an initial certification fee and application for certification by endorsement fee as set forth in N.J.A.C. 13:37-5.8(c). The Board may, in lieu of the examination requirements of N.J.A.C. 13:37-7.1(b)4, accept proof that an applicant holds a current certification in a state whose standards at the time of application are substantially equivalent to those of this State.

Amended by R.1999 d.49, effective February 1, 1999.
See: 30 N.J.R. 3602(a), 31 N.J.R. 443(a).
Inserted a new second sentence.

13:37-7.9 Requirements for nurse practitioner/clinical nurse specialists certified pursuant to N.J.S.A. 45:11-48

(a) Until October 29, 1994, an individual who submits the following may qualify for certification without completing the educational and examination requirements set forth in N.J.A.C. 13:37-7.2 and 7.3:

1. Proof of a current New Jersey license as a registered professional nurse in good standing;
2. A completed application form and the application fee set forth in N.J.A.C. 13:37-12.1. The application form solicits information including: biographical, educational and experiential data; and
3. Proof that the applicant has been certified as a nurse practitioner/clinical nurse specialist or advanced practice nurse in one or more of the specialization areas listed in N.J.A.C. 13:37-7.11 by a national accrediting agency approved by the Board and that said national accrediting agency certifies that all persons awarded certification have successfully completed a nurse practitioner/clinical nurse specialist or advanced practice nurse program which included pharmacology in its required curriculum.

(b) Each applicant awarded certification under N.J.S.A. 45:11-48 shall be required to meet the pharmacology requirements of N.J.A.C. 13:37-7.2(c) and the biennial certification renewal requirements of N.J.A.C. 13:37-7.4.

13:37-7.10 Practice as 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 persons duly licensed as a registered professional nurse in this State, provided that such duties are consistent with the accepted standards of nursing and said registered professional nurse is not represented as a nurse practitioner/clinical nurse specialist.

13:37-7.11 Categories of advanced practice

(a) The following categories of nurse practitioners or clinical nurse specialists may be certified in accordance with the provisions of N.J.S.A. 45:11-45 et seq. and this subchapter:

1. Adult Health;
2. Family;
3. Pediatric;
4. School;
5. Gerontological;

6. Women's Health;
7. OB/GYN;
8. Neonatal;
9. Psychiatric/Mental Health;
10. Community Health;
11. Perinatal;
12. Maternal/child;
13. Oncology;
14. Critical care;
15. Emergency/Burns/Trauma;
16. Medical-Surgical; and
17. Rehabilitation.

(b) Other categories may be approved by the Board through the rulemaking process. Consistent with requirements for approval of the practice areas outlined in this subchapter, any additional approved practice areas must meet nationally accepted standards.

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.

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 (Reserved)

13:37-8.2 (Reserved)

13:37-8.3 Sexual misconduct

(a) This section shall apply to all advanced practice nurses, registered professional nurses, licensed practical nurses and homemaker-home health aides licensed or certified by the Board.

(b) As used in this section, the following terms have the following meanings unless the context indicates otherwise:

"Board" means the New Jersey Board of Nursing.

"Client or patient" means any person who is the recipient of nursing services or certified homemaker-home health care rendered by a licensee pursuant to N.J.S.A. 45:11-23 et seq.

"Client or patient relationship" means an association between a licensee and client or patient wherein the licensee owes a continuing duty to the client or patient to be available

to render nursing services consistent with the licensee's education, training and experience.

"Licensee" means any person licensed or certified by the Board.

"Sexual contact" means the knowing touching of a person's body directly or through clothing, where the circumstances surrounding the touching would be construed by a reasonable person to be motivated by the licensee's own prurient interest or for sexual arousal or gratification. "Sexual contact" includes the imposition of a part of the licensee's body upon a part of the client or patient's body, sexual penetration, or the insertion or imposition of any object or any part of a licensee or client or patient's body into or near the genital, anal or other opening of the other person's body.

"Sexual harassment" means solicitation of any sexual act, physical advances, or verbal or non-verbal conduct that is sexual in nature, and which occurs in connection with a licensee's activities or role as a provider of nursing services, and that either: is unwelcome, offensive to a reasonable person, or creates a hostile environment, and the licensee knows, should know or is told this; or is sufficiently severe or intense to be abusive to a reasonable person in that context. "Sexual harassment" may consist of a single extreme or severe act or of multiple acts and may include conduct of a licensee with an individual whether or not such individual is in a subordinate position to the licensee.

"Spouse" means either the husband, wife or fiancée of the licensee or an individual in a long-term committed relationship with the licensee.

(c) A licensee shall not engage in sexual contact with a client or patient with whom he or she has a client or patient-nurse relationship. The client or patient relationship is considered ongoing for purposes of this section unless:

1. For a homemaker-home health aide, the last homemaker-home health aide service was rendered more than three months prior;
2. For an advanced practice nurse, registered professional nurse or licensed practical nurse, who is not engaged in psychiatric nursing, the last nursing service was rendered more than three months prior;
3. For an advanced practice nurse who practices psychiatric nursing, the last nursing service was rendered more than two years prior; or
4. For a registered professional nurse or a licensed practical nurse who practices psychiatric nursing, the last nursing service was rendered more than one year prior.

(d) A licensee shall not seek or solicit sexual contact with a client or patient with whom he or she has a client or patient

relationship and shall not seek or solicit sexual contact with any person in exchange for nursing or homemaker-home health aide services.

(e) A licensee shall not engage in any discussion of an intimate sexual nature with a client or patient, unless that discussion is related to legitimate client or patient needs. Such discussion shall not include disclosure by the licensee of his or her own intimate sexual relationships.

(f) A licensee shall provide privacy and examination conditions which prevent the exposure of the unclothed body of the client or patient unless necessary to the nursing or homemaker-home health aide services rendered.

(g) A licensee shall not engage in sexual harassment, whether in a professional setting or outside of the professional setting.

(h) A licensee shall not engage in any activity performed with a patient or client which would lead a reasonable person to believe that the activity serves the licensee's personal prurient interests or is for the sexual arousal the sexual or gratification of the licensee or client or patient or which constitutes an act of sexual abuse.

(i) Violation of any of the prohibitions or directives set forth in (c) through (h) above shall be deemed to constitute gross or repeated malpractice pursuant to N.J.S.A. 45:1-21(c) or (d), respectively, or professional misconduct pursuant to N.J.S.A. 45:1-21(e).

(j) Nothing in this section shall be construed to prevent a licensee from rendering nursing or homemaker-home health aide services to a spouse, providing that the rendering of such nursing services is consistent with accepted standards and that the performance of nursing or homemaker-home health aide services is not utilized to exploit the client or patient for the sexual arousal or sexual gratification of the licensee.

(k) It shall not be a defense to any action under this section that:

1. The client or patient solicited or consented to sexual contact with the licensee; or
2. The licensee was in love with or had affection for the client or patient.

SUBCHAPTER 9. FORENSIC NURSE—CERTIFIED SEXUAL ASSAULT PROGRAM

Authority

N.J.S.A. 45:11-24 and P.L. 2001, c.81.

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 FN-CSA in New Jersey.

Amended by R.2005 d.251, effective August 1, 2005.
See: 37 N.J.R. 208(a), 37 N.J.R. 2885(a).

Substituted "FN-CSA" for "SANE" throughout the section.

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.