

CHAPTER 37

NEW JERSEY BOARD OF NURSING

Authority

N.J.S.A. 45:11-24, 45:11-67, and 52:14B-5.1.

Source and Effective Date

R.2011 d.025, effective December 15, 2010.
See: 42 N.J.R. 1481(a), 43 N.J.R. 193(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 37, New Jersey Board of Nursing, expires on December 15, 2017. See: 43 N.J.R. 1203(a).

Chapter Historical Note

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

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

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

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

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

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

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by Examination for Foreign Nurses, Subchapter 5, Licensure by Endorsement, and Subchapter 12, Fee Schedule, were repealed and Subchapter 2, Licensure by Examination; Professional and Practical Nurses, Subchapter 3, Practice as a Graduate Nurse, Subchapter 4, Licensure by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

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

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

Chapter 37, New Jersey Board of Nursing, was readopted as R.2005 d.251, effective July 6, 2005. See: 37 N.J.R. 208(a), 37 N.J.R. 2885(a).

Subchapter 7, Certification of Nurse Practitioners/Clinical Nurse Specialists, was renamed Certification of Advanced Practice Nurses by R.2008 d.160, effective June 16, 2008. See: 39 N.J.R. 1991(b), 40 N.J.R. 3729(a).

Chapter 37, New Jersey Board of Nursing, was readopted as R.2011 d.025, effective December 15, 2010. As a part of R.2011 d.025, Subchapter 13, Nurse Anesthetists, was repealed, effective January 18, 2011. See: Source and Effective Date. See, also, section annotations.

Subchapter 16, Massage, Bodywork and Somatic Therapy Examining Committee, was repealed by R.2012 d.150, effective September 4, 2012. See: 43 N.J.R. 2721(a), 44 N.J.R. 2185(b).

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SUBCHAPTERS 15 THROUGH 16. (RESERVED)

**SUBCHAPTER 1. PROGRAMS IN NURSING
EDUCATION**

13:37-1.1 Eligibility for accreditation

(a) For purposes of this subchapter, the term "accreditation" shall include the accreditation of professional nursing programs and the approval of practical nursing programs.

(b) The following educational institutions are eligible for accreditation to provide nursing programs:

1. A school, division or department of nursing authorized to operate by its own charter, articles of incorporation or resolution of the governing board of its sponsoring institution; or

2. Degree granting institutions licensed by the New Jersey Commission on Higher Education and accredited by a regional accrediting agency recognized by the United States Department of Education.

(c) The following educational programs, when offered by an institution that meets the requirements of (b) above, shall be considered eligible for accreditation by the Board as nursing programs:

1. Generic doctoral degree programs: For purposes of this subchapter, a generic doctoral degree program means a program conducted by an educational institution with a program in nursing, which leads to a doctoral degree in nursing and makes a student eligible for licensure as a registered professional nurse. The educational institution shall be licensed by the New Jersey Commission on Higher Education for the purpose of granting doctoral degrees;

2. Generic masters degree programs: For purposes of this subchapter, a generic masters degree program means a program conducted by an educational institution with a program in nursing, which leads to a masters degree in nursing and makes a student eligible for licensure as a registered professional nurse. The educational institution shall be licensed by the New Jersey Commission on Higher Education for the purpose of granting masters degrees;

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

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

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

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

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

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

Administrative correction.

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

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

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

Added (f)9 and (f)10.

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

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

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

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

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

Added (a)12.

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

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

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

Amended by R.2008 d.160, effective June 16, 2008.

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

In the introductory paragraph of (c), substituted "advanced practice nurses" for "nurse/practitioners/clinical nurse specialists"; in the introductory paragraph of (c)3, deleted the fee; added (c)3i and (c)3ii; deleted former (c)5; and recodified former (c)6 and (c)7 as (c)5 and (c)6.

Amended by R.2009 d.259, effective August 17, 2009.

See: 40 N.J.R. 6757(a), 41 N.J.R. 3093(a).

Deleted former (f)6; and recodified former (f)7 through (f)10 as (f)6 through (f)9.

Amended by R.2011 d.037, effective January 18, 2011.

See: 42 N.J.R. 1000(a), 43 N.J.R. 194(a).

Rewrote (e)3; and added (e)5 and (e)6.

Administrative correction.

See: 46 N.J.R. 1364(a).

Amended by R.2015 d.050, effective April 6, 2015.

See: 46 N.J.R. 1321(a), 47 N.J.R. 725(b).

Added (a)13.

13:37-5.6 Responsibilities of licensure

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

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

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

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

13:37-5.7 Notification of change of address

A licensee or certificant shall notify the Board in writing of any change of address from that registered with the Board and shown on the most recently issued license or certificate. This address shall not be a post office box unless there is another address on file with the Board that includes a street, city, state and zip code. Such notice shall be given no later than 30 days following the change of address. Service to the street address registered with the Board shall constitute effective notice pursuant to N.J.A.C. 13:45-3.2.

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

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

Former N.J.A.C. 13:37-5.7, Reinstatement, repealed.

Amended by R.2005 d.251, effective August 1, 2005.

See: 37 N.J.R. 208(a), 37 N.J.R. 2885(a).

Added the second sentence; and in the last sentence, inserted "street".

13:37-5.8 Reporting of unlawful conduct

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

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

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

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

13:37-5.9 Self-reporting

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

1. Is incapable, for medical or any other good cause, of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare;
2. Is indicted or convicted of a crime involving moral turpitude or a crime adversely relating to his or her practice;

- iii. Injury versus disease process;
9. Nursing management issues, for a minimum of two hours, including:
- i. Emergency Medical Treatment and Labor Act (EMTALA) regulations and medical screening exams, as required by 43 CFR §489.24 and N.J.A.C. 8:43G;
 - ii. Sexually transmitted disease and pregnancy prevention;
 - iii. Managing/referring medical problems; and
 - iv. Patient discharge and referral;
10. Evidence in sexual assault cases, for a minimum of four hours, including:
- i. Specialized equipment and Sexual Assault Forensic Evidence (SAFE) kits; and
 - ii. Lab procedures and DNA Evidence;
11. Documentation skills, for a minimum of four hours, including:
- i. Forensic history taking skills;
 - ii. Communication skills; and
 - iii. Fact-based documentation;
12. Documenting injuries and evidence, for a minimum of four hours, including:
- i. Body map diagrams (pediatric and adult);
 - ii. Physical assessment;
 - iii. Forensic photography; and
 - iv. Colposcopy;
13. Genital exams, for a minimum of two hours;
14. Criminal justice system, for a minimum of two hours, including:
- i. New Jersey sexual assault laws;
 - ii. Rules of evidence; and
 - iii. Investigation and prosecution; and
15. Trial testimony, for a minimum of two hours, including:
- i. Preparing to testify; and
 - ii. Mock trial demonstration.

(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 FN-CSA. Didactic instruction in topics required by (c)14i and 15 above may be taught by an attorney. Didactic instruction in topics required by (c)14ii and

iii 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, 3, 5i, 5ii, 5iii and 6 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.

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

Substituted "forensic nurses—certified sexual assault" for "sexual assault nurse examiners" and "FN-CSA" for "SANE" throughout the section.

Amended by R.2008 d.55, effective March 17, 2008.
See: 39 N.J.R. 1997(a), 40 N.J.R. 1677(a).

Deleted former (c)1 through (c)30, and added new (c)1 through (c)15.
Administrative correction.
See: 40 N.J.R. 6822(a).

13:37-9.6 Clinical education

(a) Applicants for certification as a FN-CSA 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.

Amended by R.2005 d.251, effective August 1, 2005.

See: 37 N.J.R. 208(a), 37 N.J.R. 2885(a).

In (a) and (d), substituted "FN-CSA" for "SANE".

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

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

Deleted (d).

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 FN-CSA.

(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 forensic nurse-certified sexual assault applicant to perform sexual assault forensic examinations. The facility shall forward the results of this examination to the Board.

Amended by R.2005 d.251, effective August 1, 2005.

See: 37 N.J.R. 208(a), 37 N.J.R. 2885(a).

In (a)5, substituted "FN-CSA" for "SANE"; and in (d) substituted "forensic nurse-certified sexual assault" for "sexual assault nurse examiner".

13:37-9.8 Renewal of certification

(a) All FN-CSA certificates shall be issued for a two-year certification period, which coincides with the FN-CSA's registered professional nurse licensure renewal period. An FN-CSA who seeks renewal of the certificate shall submit a

renewal application and the biennial renewal fee set forth in N.J.A.C. 13:37-5.5, prior to the expiration date of the certificate.

(b) The Board shall send a notice of renewal to each FN-CSA at least 60 days prior to the expiration of the certificate. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for any uncertified practice during the period following the certification expiration, not to exceed the number of days short of 60 before the renewals were issued.

(c) If an FN-CSA does not renew the certificate prior to its expiration date, the FN-CSA may renew the certificate within 30 days of its expiration by submitting a renewal application and a renewal fee as set forth in N.J.A.C. 13:37-5.5(e). If the FN-CSA has not paid a reinstatement fee for renewal of licensure as a registered professional nurse within the same biennial period, the FN-CSA shall pay, in addition to the renewal fee, the reinstatement fee from N.J.A.C. 13:37-5.5(e).

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

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

1. Payment of all past delinquent biennial renewal fees pursuant to N.J.A.C. 13:37-5.5(e);
2. Submission of an affidavit of employment listing each job held during the period the certificate was suspended, including the name, address and telephone number of each employer; and
3. If the FN-CSA has not paid a reinstatement fee for licensure as a registered professional nurse within the same biennial period, the FN-CSA shall pay, in addition to the renewal fees, the reinstatement fee from N.J.A.C. 13:37-5.5(e).

(f) An FN-CSA whose certificate has been administratively suspended for failure to renew for more than five years who wishes to have his or her certificate reinstated shall re-apply for certification pursuant to N.J.A.C. 13:37-9.3, including retaking and successfully completing:

1. An FN-CSA 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;
2. The FN-CSA clinical requirements pursuant to N.J.A.C. 13:37-9.6; and
3. The FN-CSA clinical examination given by an approved clinical examination facility pursuant to N.J.A.C. 13:37-9.7(d).