

CHAPTER 37

NEW JERSEY BOARD OF NURSING

Authority

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

Source and Effective Date

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

Executive Order No. 66(1978) Expiration Date

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

Chapter Historical Note

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

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

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

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

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

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

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by Examination for Foreign Nurses, Subchapter 5, Licensure by Endorsement, and Subchapter 12, Fee Schedule, were repealed and Subchapter 2, Licensure by Examination; Professional and Practical Nurses, Subchapter 3, Practice as a Graduate Nurse, Subchapter 4, Licensure by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

Pursuant to Executive Order No. 66(1978), Chapter 37, New Jersey Board of Nursing, was readopted by R.2000 d.55, effective January 13, 2000, and Subchapter 3, Practice as a Graduate Nurse, was repealed by R.2000 d.55, effective February 7, 2000. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. PROGRAMS IN NURSING EDUCATION

13:37-1.1 Eligibility for accreditation

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

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

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

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

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

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

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

3. Baccalaureate degree programs: For purposes of this subchapter, a baccalaureate degree program is a program conducted by an educational institution with a program in nursing, which leads to a baccalaureate degree in nursing. The educational institution shall be licensed by the New Jersey Commission on Higher Education for the purpose of granting baccalaureate degrees. Registered professional nurse completion programs, which are educational programs that provide licensed registered nurses who do not have a baccalaureate degree the opportunity to complete their baccalaureate degrees, shall be considered baccalaureate degree programs.

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

5. Diploma programs: For purposes of this subchapter, a diploma program means a program conducted by a nursing school under the sponsorship of a hospital or consortium of hospitals in the State of New Jersey, that leads to a diploma in nursing or, in collaboration with a college or university, grants an Associate in Applied Science degree or Associate in Science degree; and

6. Practical nursing programs: For purposes of this subchapter, a practical nursing program means a program conducted for the purposes of providing education in practical nursing, that leads to a diploma or certificate in practical nursing, and which is not operated by any local,

county or State Board of Education in this State. A practical nursing program that is operated by a board of education is not under the jurisdiction of the Board pursuant to N.J.S.A. 45:11-24 and is not required to meet the requirements of this subchapter.

SUBCHAPTER 4. LICENSURE BY ENDORSEMENT; PROFESSIONAL AND PRACTICAL NURSES

13:37-4.1 Eligibility requirements for licensure by endorsement

(a) A registered professional nurse or licensed practical nurse licensed in another state, territory or possession of the United States, or the District of Columbia, who wishes to be licensed in New Jersey may be licensed by endorsement in this State if he or she meets the requirements for licensure as set forth in N.J.S.A. 45:1-14 et seq., 45:11-26 and 45:11-27.

(b) An applicant for licensure by endorsement as a licensed practical nurse shall have graduated from a practical nurse program. Attendance in or successful completion of a professional nursing program shall not serve as an equivalent for the practical nursing educational requirement.

Repeal and New Rule, R.2004 d.327, effective August 16, 2004. See: 35 N.J.R. 3752(a), 36 N.J.R. 3884(a). Section was "Eligibility requirements".

13:37-4.2 Application requirements for licensure by endorsement

(a) An applicant for licensure by endorsement shall submit or arrange to submit the following to the Board:

- 1. A completed application form, provided by the Board, which requests information concerning the applicant's educational and experiential background;
2. A non-refundable initial license fee and application for licensure by endorsement fee as set forth in N.J.A.C. 13:37-5.5(a)2 and 3; and
3. Written or electronic verification of status of licensure from every state, territory or possession of the United States, or the District of Columbia, in which the applicant was ever licensed.

The verification shall either be forwarded directly to the Board from the applicable state board, if written, or if electronic, be issued by the applicable state board.

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), inserted a new 2, and recodified former 2 as 3. Recodified from N.J.A.C. 13:37-4.3 and amended by R.2004 d. 327, effective August 16, 2004. See: 35 N.J.R. 3752(a), 36 N.J.R. 3884(a). Rewrote the section.

13:37-4.3 (Reserved)

Repealed by R.2004 d.327, effective August 16, 2004. See: 35 N.J.R. 3752(a), 36 N.J.R. 3884(a). Section was "Application requirements; licensure by endorsement".

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

13:37-5.1 License requirement

Before engaging in nursing practice, as defined in N.J.S.A. 45:11-23(b), or representing oneself as a nurse, an individual shall obtain and maintain a current license that is active. No licensee shall engage in nursing practice if his or her license is expired, suspended, revoked or surrendered.

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.

13:37-5.2 Biennial license renewal

Licenses shall be valid for two calendar years, except that initial licenses shall be valid from the date the applicant passed the examination to the end of the then current biennial period.

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. 13:37-5.2, Responsibilities of dual licensure, repealed.

13:37-5.3 (Reserved)

Repealed by R.2000 d.55, effective February 7, 2000. See: 31 N.J.R. 3988(a), 32 N.J.R. 450(a). Section was "Notification of change of address".

13:37-5.4 Categories of licenses

Licenses shall be divided into two categories known as "active" and "inactive" licenses. All persons engaged in any type of nursing practice shall have an active license. An individual who is eligible for an active license but who is not engaged in any type of nursing practice may request an inactive license. Before engaging in nursing practice, a holder of an inactive license shall register with the Board as active and pay the active biennial license fee as set forth at N.J.A.C. 13:37-5.5(a).

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. 13:37-5.4, Reporting of unlawful conduct, repealed.

13:37-5.5 Fee schedule

(a) The following fees shall be charged by the Board in connection with licensure of professional and practical nurses:

- 1. Application fee \$75.00
2. Initial license fee 65.00
3. Application for licensure by endorsement 75.00 plus 65.00 initial license fee set forth in (a)2 above
4. Verification for endorsement 30.00
5. Renewal of license (biennial)
i. Active 65.00
ii. Inactive 30.00
6. Late license renewal (one to 30 days) 50.00 plus the applicable biennial license renewal

fee set forth in (a)5 above
100.00

- 7. Lapsed license fee (after 30 days) plus the applicable biennial license renewal fee set forth in (a)5 above
- 8. Duplicate license 35.00
- 9. Written verification of licensure 25.00
- 10. Copy of Nurse Practice Act 5.00
- 11. Copy of L.P.N. Standards of Practice 3.00

(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 20.00
 - ii. If paid during the second year of a biennial renewal period 10.00
- 6. Renewal of certificate (biennial) 20.00
- 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 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 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 100.00
- 6. Lapsed certification fee (after 30 days) 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 sexual assault nurse examiners:

- 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 plus the applicable initial certification fee set forth in (d)2 above 100.00

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).

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).

See: 33 N.J.R. 2241(a), 34 N.J.R. 2462(a).

Former N.J.A.C. 13:47-14.14, Duties and powers of the Board, recodified to N.J.A.C. 13:47-14.15.

13:37-14.15 Duties and powers of the Board

(a) The Board may deny or revoke training program approval if the program sponsor has failed to comply with N.J.S.A. 45:11-24(d)(20) to (24) or this subchapter.

(b) The Board may investigate complaints made against a program sponsor or certified homemaker-home health aide and may conduct hearings in connection with such complaints.

(c) The Board may suspend or revoke the certification of a homemaker-home health aide who has violated any provisions of N.J.S.A. 45:11-24(d)(20) to (24) or this subchapter.

(d) Any Board action for certification suspension or revocation or training program revocation shall take place only upon notice to the licensee and the 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.

(e) Decisions on violations shall be a public record maintained by the Board pursuant to N.J.S.A. 45:11-24(d)(20) and (24).

Recodified from N.J.A.C. 13:37-14.14 by R.2002 d.220, effective July 15, 2002.

See: 33 N.J.R. 2241(a), 34 N.J.R. 2462(a).