

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by Examination for Foreign Nurses, Subchapter 5, Licensure by Endorsement, and Subchapter 12, Fee Schedule, were repealed and Subchapter 2, Licensure by Examination; Professional and Practical Nurses, Subchapter 3, Practice as a Graduate Nurse, Subchapter 4, Licensure by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

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

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**SUBCHAPTER 1. PROGRAMS IN NURSING  
EDUCATION**

**13:37-1.1 Eligibility for accreditation**

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

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

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

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

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

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

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

**13:37-7.3 Practice prior to passing the examination for certification**

(a) Prior to passing the examination for certification as an advanced practice nurse, an individual who has submitted an advanced practice nurse application to the Board may apply to the Board for a work permit letter authorizing the applicant to practice pursuant to this subchapter, except that no holder of a work permit letter shall engage in prescriptive practice. An applicant seeking a work permit letter shall submit to the Board proof that:

1. The applicant has completed the educational requirements of N.J.A.C. 13:37-7.2 or 7.5; and
2. The applicant has applied to take the examination required by N.J.A.C. 13:37-7.4.

(b) An applicant who engages in advanced practice nursing pursuant to a work permit letter shall indicate that he or she is an “applicant advanced practice nurse” whenever the applicant identifies himself or herself either in person, on a chart, on a report or on any other document.

(c) An applicant who engages in advanced practice nursing pursuant to a work permit letter shall take the first examination for which the applicant is eligible. If the applicant fails the first examination, the applicant shall take the next examination for which he or she is eligible. If the applicant fails the second examination, the applicant shall surrender the work permit letter to the Board and shall not practice as an applicant advanced practice nurse until he or she passes the examination.

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

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

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

**13:37-7.4 Examination requirements for certification**

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

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

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

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

**13:37-7.5 (Reserved)**

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

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

Section was “Biennial certification renewal”.

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

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

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

**13:37-7.6 Certification by endorsement**

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

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

1. A completed application form, which contains biographical, educational and experiential data concerning the applicant;
2. Verification of certification as an advanced practice nurse in good standing in another state;
3. Proof that the applicant has successfully completed the educational requirements of an advanced practice nurse as set forth in N.J.A.C. 13:37-7.2. The applicant shall submit to the Board a transcript showing successful completion of an advanced practice nurse program from the school(s) where the applicant completed the educational requirements. An applicant applying for certification through endorsement shall not be required to meet the requirements of N.J.A.C. 13:37-7.2(b);
4. Proof that the applicant is currently certified by a national certifying agency that is accredited by the American Board of Nursing Specialties and/or the National Commission for Certifying Agencies; and
5. The application fee set forth in N.J.A.C. 13:37-5.5(e).

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

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

Section was “Prescriptive practice”.

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

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

(b) The Board shall send a notice of renewal to each advanced practice nurse, at least 60 days prior to the expiration of his or her certificate. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for failure to renew.

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

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

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

1. Payment of the reinstatement fee and all past delinquent biennial renewal fees pursuant to N.J.A.C. 13:37-5.5;
2. Completion of the continuing education units required under N.J.A.C. 13:37-7.8 for each biennial registration period for which the advanced practice nurse was suspended; and
3. Submission of an affidavit of employment listing each job held during the period the certificate was suspended, including the name, address, and telephone number of each employer.

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

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

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

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

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

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

(i) An advanced practice nurse who has been on inactive status for more than five years who wishes to return to practice shall reapply for certification pursuant to N.J.A.C. 13:37-7.1. The applicant shall fulfill all of the initial licensure requirements, including retaking the examination required by N.J.A.C. 13:37-7.1(d)3. An applicant reapplying for certification shall not be required to meet the requirements of N.J.A.C. 13:37-7.2(b).

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

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

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

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

### 13:37-7.8 Continuing education

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

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

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

Section was "Certification by endorsement".

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

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

Deleted designation (a); and deleted (b) and (c).

### 13:37-7.9 Prescriptive practice

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

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

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

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

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

Amended by R.2016 d.020, effective March 7, 2016.  
See: 47 N.J.R. 406(a), 47 N.J.R. 2050(a), 48 N.J.R. 423(a).

In (a), inserted "and" preceding the first occurrence of "licensed", and deleted "and homemaker-home health aides" preceding the second occurrence of "licensed"; in (b), deleted definitions "Client or patient" and "Client or patient relationship", added definitions "Patient" and "Patient relationship", and in definition "Sexual contact", deleted "client or" preceding "patient's" twice; in (c) through (f), and in (j), (k)1, and (k)2, deleted "client or" preceding "patient" throughout; in the introductory paragraph of (c), substituted the second occurrence of "patient" for "client or patient-nurse"; deleted former (c)1; recodified former (c)2 through (c)4 as (c)1 through (c)3; in (d), (f), and (j), deleted "or homemaker-home health aide" following "nursing" throughout; in (f), substituted "that" for "which"; and rewrote (h).

## SUBCHAPTER 9. FORENSIC NURSE—CERTIFIED SEXUAL ASSAULT PROGRAM

### Subchapter Historical Note

Petition for Rulemaking. See: 41 N.J.R. 683(a), 1111(d).

### 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 forensic nurses certified in sexual assault.

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

In (b), substituted "forensic nurses certified in sexual assault" for "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:

"Board" means the State Board of Nursing.

"Certification" means the formal process by which education is received and the clinical competency of the FN—CSA is demonstrated.

"Forensic nurse—certified sexual assault (FN—CSA)" 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 sexual assault forensic examination and who has success-

fully completed a course of education as set forth in this subchapter.

"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.

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

Rewrote definition "Certification", and added "Forensic nurse—certified sexual assault (FN—CSA)", deleted "Sexual assault nurse examiner (SANE)".

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

Deleted definitions "Adult" and "Child".

### 13:37-9.3 Application for certification

(a) To be eligible for certification as a FN—CSA, 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 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; and
4. Have successfully completed the FN—CSA 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 for certification as a FN—CSA 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 FN—CSA 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.

(c) 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.

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

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

Rewrote introductory paragraph (a); and substituted "FN-CSA" for "SANE" throughout the section.

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

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

Deleted former (b); and recodified former (c) and (d) as (b) and (c).

#### 13:37-9.4 (Reserved)

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".

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

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

Section was "Pediatric sexual assault forensic examinations".

#### 13:37-9.5 FN-CSA education programs

(a) An individual, agency or institution seeking approval for a course in clinical forensics for the purpose of providing education for forensic nurses—certified sexual assault 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 FN-CSA 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 FN-CSA 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. History and role of forensic nursing, for a minimum of two hours, including:
  - i. History of forensic nursing;
  - ii. Forensic roles and practice settings;
  - iii. Professional organizations; and
  - iv. Ethical issues of forensic practice;
2. Role and responsibility of the FN-CSA, for a minimum of two hours, including:
  - i. Board statutes and rules, N.J.S.A. 45:11-24 et seq. and N.J.A.C. 13:37;
  - ii. Job description; and
  - iii. Role within the Sexual Assault Response Team;
3. Sexual Assault Response Teams, for a minimum of two hours, including:
  - i. Role of the rape care advocate;
  - ii. Role of law enforcement; and
  - iii. Sexual Assault Response Team activation;
4. Secondary responding/interacting agencies, for a minimum of two hours, including:
  - i. Division of Youth and Family Services;
  - ii. Regional Diagnostic and Treatment Centers;
  - iii. Division of Developmental Disabilities; and
  - iv. Office of the Ombudsman for the Institutionalized Elderly;
5. Psychosocial issues of sexual assault, for a minimum of two hours, including:
  - i. Definition and dynamics of sexual assault;
  - ii. Cultural awareness;
  - iii. Rape Trauma Syndrome/Post Traumatic Stress Disorder; and
  - iv. Vicarious trauma;
6. Needs of special victim populations, for a minimum of two hours, including:
  - i. Pediatrics;
  - ii. Elders;
  - iii. Disabled; and
  - iv. Male victims;
7. Sexual assault offenders, for a minimum of two hours, including:
  - i. Offender characteristics; and
  - ii. Drug-facilitated sexual assault;
8. Anatomy and physiology, for a minimum of six hours, including:
  - i. Male and female genital anatomy-normal growth and development;
  - ii. Genital injury and healing; and

- 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).

#### Case Notes

Employee was entitled to unemployment benefits and did not leave her job voluntarily; rather, the hospital was compelled to discharge her from her job as a licensed practical nurse, by virtue of the regulations of the New Jersey Board of Nursing, N.J.A.C. 13:37-9.5(a), (b), when she failed to pass the second of two consecutive licensing examinations, and there were no other jobs available. Means v. Hamilton Hospital, 172 N.J. Super. 465; 412 A.2d 1053; 1980 N.J. Super. LEXIS 468 (App.Div. 1980).

#### 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 reg-

istered 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).

(g) An FN-CSA who has worked in another state as forensic nurse during the period of suspension shall be permitted to reinstate certification without meeting the requirement of (f) above if he or she submits an affidavit to the Board, from his or her employer, which indicates that he or she worked during the period of suspension as a forensic nurse in the other state.

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

(i) An FN-CSA who elected inactive status and has been on inactive status for five years or less may be reinstated by the Board upon completion of the following:

1. Payment of the active status fee set forth in N.J.A.C. 13:37-5.5; and
2. Submission of an affidavit of employment listing each job held during the period the FN-CSA was on inactive status, including the name, address and telephone number of each employer.

(j) An FN-CSA who has been on inactive status for more than five years who wishes to return to practice shall reapply for certification pursuant to N.J.A.C. 13:37-9.3, including re-taking 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).

(k) An FN-CSA who has worked in another state as forensic nurse during the period of inactive status shall be permitted to reactivate certification without meeting the requirement of (j) above if he or she submits an affidavit to the Board, from his or her employer, which indicates that he or she worked during the period of inactive status as a forensic nurse in the other state.

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 (b), substituted "FN-CSA" for "SANE".

Repeal and New Rule, R.2011 d.037, effective January 18, 2011.

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

Section was "Renewal of certification".

### 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 FN-CSA 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.

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), substituted "FN-CSA" for "SANE".

### 13:37-9.10 Endorsement

(a) A registered professional nurse, licensed in New Jersey, who is working as a FN-CSA in another state may apply for certification as a FN-CSA in New Jersey if the applicant is certified by another state as a FN-CSA, or its equivalent, 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 FN-CSA, or its equivalent;
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 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.

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## SUBCHAPTERS 10 THROUGH 13. (RESERVED)

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### 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 (CHHAs), pursuant to N.J.S.A. 45:11-24.d(20).

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

Amended by R.2016 d.020, effective March 7, 2016.

See: 47 N.J.R. 406(a), 47 N.J.R. 2050(a), 48 N.J.R. 423(a).

In (a), inserted "(CHHAs)", and updated the N.J.S.A. reference; and in (b), substituted "CHHA" for "homemaker-home health aide" three times, substituted the first occurrence of "that" for "which", and inserted a comma following "suspension".

#### 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 mobility, transferring, walking, grooming, bathing, dressing, undressing, eating, and toileting.

"Board" means the Board of Nursing.

"CHHA" means a certified homemaker-home health aide 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 that are delegated.

"Community health nursing" means professional nursing practice emphasizing health promotion, health maintenance, primary prevention, health education and management, coordination of health care services, and continuity of care for individuals, families, and groups in the community. "Community health nursing" includes home visits to assess, plan for, and provide nursing services; health guidance and direct care; and coordination of services with community resources, families, and other health professionals and paraprofessionals.

"Full-time" means that a person has worked at least 1,820 hours in a year.

"Home care services agency" means home health agencies, assisted living residences, comprehensive personal care homes, assisted living programs, or alternate family care sponsor agencies licensed by the Department of Health pursuant to P.L. 1971, c. 136 (N.J.S.A. 26:2H-1 et seq.), nonprofit homemaker-home health aide agencies, and health care service firms regulated by the Division of Consumer Affairs pursuant to P.L. 1989, c. 331 (N.J.S.A. 34:8-43 et seq.) and P.L. 1960, c. 39 (N.J.S.A. 56:8-1 et seq.), which are engaged in the business of procuring or offering to procure employment for homemaker-home health aides, where a fee may be exacted, charged, or received directly or indirectly for procuring or offering to procure that employment.

"Home-making activities" means the functions and tasks that a CHHA may be asked to perform by the patient, the patient's family, or a delegating registered professional nurse that are necessary to provide the patient with an appropriate therapeutic environment and comfort at home, including shopping, errands, laundry, meal planning and preparation, including therapeutic diets, serving of meals, and child care.

"Part-time" means that a person has worked at least 1,040 hours in a year, but has not worked enough hours to qualify as "full-time."

"Program coordinator" means the nurse responsible for the training program curriculum.

Amended by R.2016 d.020, effective March 7, 2016.

See: 47 N.J.R. 406(a), 47 N.J.R. 2050(a), 48 N.J.R. 423(a).

Rewrote the section.

#### 13:37-14.3 Duties of a homemaker-home health aide; registered professional nurse delegation and direction

(a) (Reserved)

(b) A CHHA may perform home-making activities, as requested or assigned by the patient, the patient's family, or a registered professional nurse responsible for the patient's care.

(c) When a CHHA is assigned to a patient that has already been assessed by a registered professional nurse, the registered professional nurse shall review the nursing plan of care with the CHHA. The registered professional nurse and