

CHAPTER 43

STATE BOARD OF SHORTHAND REPORTING

Authority

N.J.S.A. 45:1-3.2 and 45:15B-1.

Source and Effective Date

R.1998 d.466, effective August 4, 1998.
See: 30 N.J.R. 2158(a), 30 N.J.R. 3251(b).

Executive Order No. 66(1978) Expiration Date

Chapter 43, State Board of Shorthand Reporting, expires on August 4, 2003.

Chapter Historical Note

Chapter 43, State Board of Shorthand Reporting, became effective prior to September 1, 1969.

Pursuant to Executive Order No. 66(1978), Chapter 43, State Board of Shorthand Reporting, was readopted as R.1988 d.457, effective September 1, 1988. See: 20 N.J.R. 1666(a), 20 N.J.R. 2465(a).

Pursuant to Executive Order No. 66(1978), Chapter 43, State Board of Shorthand Reporting, was readopted as R.1993 d.471, effective August 26, 1993, and Subchapter 2, Administrative Hearings, was repealed by R.1993 d.471, effective September 20, 1993. See: 25 N.J.R. 3079(a), 25 N.J.R. 4499(a).

Subchapter 2, Licensing of Shorthand Reporters, Subchapter 3, Certification of Shorthand Reporters in Realtime Reporting, Subchapter 4, Examinations, and Subchapter 5, General Provisions, were adopted as R.1998 d.145, and former Subchapter 4, Fees, was recodified as Subchapter 6 by R.1998 d.145, effective March 16, 1998. See 29 N.J.R. 4383(a), 30 N.J.R. 1048(a)

Pursuant to Executive Order No. 66(1978), Chapter 43, State Board of Shorthand Reporting, was readopted as R.1998 d.466, effective August 4, 1998. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. STATE BOARD OF SHORTHAND REPORTING; METHODS OF OPERATION

13:43-1.1 State Board of Shorthand Reporting; description

(a) The Board of Shorthand Reporting created in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to N.J.S.A. 45:15B-1 et seq., consists of six members appointed by the governor, three of whom are certified shorthand reporters, two of whom are appointed by the Governor as public members, and the sixth being a member of the executive branch of government.

(b) The State Board of Shorthand Reporting is charged with the responsibility to certify shorthand reporters and to discipline persons violating provisions of the Shorthand Reporting Act, N.J.S.A. 45:15B-1 et seq., pursuant to the provisions of the Uniform Enforcement Act, N.J.S.A. 45:1-14 et seq.

Amended by R.1993 d.471, effective September 20, 1993.
See: 25 N.J.R. 3079(a), 25 N.J.R. 4499(a).

Amended by R.1998 d.466, effective September 8, 1998.
See: 30 N.J.R. 2158(a), 30 N.J.R. 3251(b).

In (a), inserted "Public" preceding "Safety"; and in (b), substituted "certify" for "license certified" and "discipline" for "punish".

13:43-1.2 Methods of operation

(a) The State Board of Shorthand Reporting elects, from its number, a chairman and a secretary/treasurer to preside over its activities and to assume those duties normally associated with those offices.

(b) The State Board of Shorthand Reporting meets annually for the purpose of conducting business, and at such other times as are necessary.

(c) All communications, submissions and requests to and all inquiries for information from the Board of Shorthand Reporting should be directed to the Office of the State Board of Shorthand Reporting, Post Office Box 45019, Newark, New Jersey 07101.

Administrative Change to (c).

See: 25 N.J.R. 1516(b).

Amended by R.1993 d.471, effective September 20, 1993.

See: 25 N.J.R. 3079(a), 25 N.J.R. 4499(a).

vii. The qualifying examination shall consist of original material not previously dictated.

5. Have submitted a completed application form to the Board not less than three weeks before the date of the examination required in (a)7 below;

6. Paid the application fee set forth in N.J.A.C. 13:43-6.1 by certified check or money order made payable to the "State of New Jersey, Board of Shorthand Reporting";

7. Have successfully passed the Board-approved examination for the certification of shorthand reporters; and

8. Have a place for the regular transaction of business within the State of New Jersey.

Amended by R.1998 d.466, effective September 8, 1998.

See: 30 N.J.R. 2158(a), 30 N.J.R. 3251(b).

Rewrote the section.

SUBCHAPTER 2. CERTIFICATION OF SHORTHAND REPORTERS
13:43-2.1 Eligibility for certification as a certified shorthand reporter

(a) In order to qualify for certification as a certified shorthand reporter, an applicant shall:

1. Be at least 18 years of age;
2. Be of good moral character, as established by references;
3. Have obtained a high school diploma or its equivalent;
4. Have obtained a certification from a school of shorthand reporting approved by the Board stating that the applicant has successfully completed a qualifying test which meets the following criteria:
 - i. Total word count shall consist of 1,125 words dictated by four individuals at 225 words per minute;
 - ii. The examination shall be administered and completed at the examination site;
 - iii. Candidates shall be given one hour and 20 minutes for transcription;
 - iv. Candidates shall have the opportunity to utilize dictionaries during transcription;
 - v. Transcripts shall be prepared with standard typewriters or word processors which utilize computer aided transcription (CAT) programs;
 - vi. A score of 95 percent shall be considered successful passage of the qualifying examination; and

SUBCHAPTER 3. CERTIFICATION OF SHORTHAND REPORTERS IN REALTIME REPORTING
13:43-3.1 Definitions

The following word terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicate otherwise:

"Certified shorthand realtime reporter" or "C.S.R.R." means one who possesses a voluntary certification to perform realtime reporting.

"Realtime reporting" means a computer-aided method of translation performed by a certified shorthand realtime reporter (who must also hold a current New Jersey certificate as a certified shorthand reporter), in order to provide a simultaneous verbatim transcription on a computer screen of any testimony given under oath before any court, referee, board, commission, or other body created by statute of this State.

Amended by R.1998 d.466, effective September 8, 1998.

See: 30 N.J.R. 2158(a), 30 N.J.R. 3251(b).

Changed "Certified realtime reporter" or "C.R.R." definition to "Certified shorthand realtime reporter" or "C.S.R.R."; and in "Realtime reporting" definition, inserted "shorthand" following "certified" and substituted "certificate" for "license".

13:43-3.2 Eligibility for certification as a certified shorthand realtime reporter

(a) In order to be eligible for certification as a realtime reporter, an applicant shall:

1. Hold a current New Jersey certified shorthand reporting certification in good standing;

2. Submit a completed application from which contains the following information:

i. Proof of certification as a shorthand reporter;

ii. Current residence;

iii. Current employment status; and

In (a), inserted "shorthand" following "certified"; and in (b), substituted "certification" for "license".

13:43-5.3 Change of address; service of process

(a) A certification holder of the Board of Shorthand Reporting shall notify the Board in writing of any change of name or address from that currently registered with the Board and shown on the most recently issued certification. Notice shall be given not less than 30 days following such change.

(b) Service of an administrative complaint or other process initiated by the Board, the Attorney General or the Division of Consumer Affairs at the certified practitioner's address on file with the Board shall be deemed adequate notice for the commencement of any inquiry or disciplinary proceeding against the certified practitioner.

New Rule, R.1985 d.289, effective June 3, 1985.
 See: 17 N.J.R. 801(b), 17 N.J.R. 1431(b).
 Amended by R.1993 d.471, effective September 20, 1993.
 See: 25 N.J.R. 3079(a), 25 N.J.R. 4499(a).
 Recodified from N.J.A.C. 13:43-3.5 and amended by R.1998 d.145, effective March 16, 1998.
 See: 29 N.J.R. 4383(a), 30 N.J.R. 1048(a).
 Rewrote the section.
 Amended by R.1998 d.466, effective September 8, 1998.
 See: 30 N.J.R. 2158(a), 30 N.J.R. 3251(b).
 In (a), substituted "certification holder" for "licensee" and "certification" for "license" in the first sentence; and in (b), substituted "certified" for "license" throughout.

13:43-5.4 Professional misconduct

The use of any lottery, sweepstakes, give-away or other promotional contest as a means to induce others to use or to continue to use the services of a certified shorthand reporter shall be deemed professional misconduct.

Recodified from N.J.A.C. 13:43-3.2 and amended by R.1998 d.145, effective March 16, 1998.
 See: 29 N.J.R. 4383(a), 30 N.J.R. 1048(a).
 Substituted a reference to professional misconduct for a reference to unprofessional conduct.

13:43-5.5 Disclosure of title and certification number; the use of misleading titles and abbreviations

(a) A certified shorthand reporter or a certified shorthand realtime reporter shall indicate his or her title in the form of the abbreviation "C.S.R." (certified shorthand reporter) or "C.S.R.R." (certified shorthand realtime reporter) on all official documents he or she has prepared including, but not limited to, all transcripts, invoices, business cards, advertising and any other document containing reported and/or recorded information.

(b) A person who is not a certified shorthand reporter or certified shorthand realtime reporter of New Jersey shall not use misleading titles or abbreviations such as C.S.R., C.S.R.R., Shorthand Reporter of the State of New Jersey, Realtime Reporter of the State of New Jersey, Court Reporter or S.R.

R.1983 d.122, effective April 18, 1983.
 See: 15 N.J.R. 80(a), 15 N.J.R. 626(b).
 Recodified from N.J.A.C. 13:43-3.3 and amended by R.1998 d.145, effective March 16, 1998.
 See: 29 N.J.R. 4383(a), 30 N.J.R. 1048(a).
 Rewrote the section.
 Amended by R.1998 d.466, effective September 8, 1998.
 See: 30 N.J.R. 2158(a), 30 N.J.R. 3251(b).
 In (a) and (b), inserted "shorthand" following "certified" throughout.

13:43-5.6 Note and transcript retention policy

(a) A certified shorthand reporter shall retain all notes in civil matters for no less than five years unless a full transcript has been prepared of the matter, in which case the electronic notes and the transcript shall be retained for at least five years, but the paper notes may be discarded after two years.

(b) In all criminal matters and any other matter heard in the Superior Court of New Jersey, in a Federal District Court, or any other court of competent jurisdiction, a certified shorthand reporter shall retain all notes in accordance with the procedures established by such court.

13:43-5.7 Validity of rules if any portion declared invalid

If any rule, sentence, paragraph or section of these rules, or the application thereof to any persons or circumstances, shall be adjudged by a court of competent jurisdiction to be invalid, or if by legislative action any rule shall lose its force and effect, such judgment or action shall not affect, impair or void the remainder of these rules.

New Rule, R.1993 d.471, effective September 20, 1993.
 See: 25 N.J.R. 3079(a), 25 N.J.R. 4499(a).
 Recodified from N.J.A.C. 13:43-3.8 by R.1998 d.145, effective March 16, 1998.
 See: 29 N.J.R. 4383(a), 30 N.J.R. 1048(a).

SUBCHAPTER 6. FEES

13:43-6.1 Fee schedule

(a) The following fees shall be charged by the Board:

1. Application fee:
 - i. Certified shorthand reporter \$75.00
 - ii. Certified shorthand realtime reporter 75.00
2. Examination fee:
 - i. Certified shorthand reporter 75.00
 - ii. Certified shorthand realtime reporter 75.00
3. Initial certification fee (certified shorthand reporter only):
 - i. During the first year of a biennial renewal period 110.00
 - ii. During the second year of a biennial renewal period 55.00
4. Initial certification fee (certified shorthand realtime reporter only):

- i. During the first year of a biennial renewal period 40.00
- ii. During the second year of a biennial renewal period 20.00
- 5. Biennial renewal fee:
 - i. Certified shorthand reporter 110.00
 - ii. Certified shorthand realtime reporter 40.00
- 6. Late renewal fee 50.00
- 7. Reinstatement fee 125.00
- 8. Duplicate certification fee 20.00
- 9. Replacement wall certificate 40.00
- 10. Continuing education program review fee . . 100.00

R.1983 d.414, effective October 3, 1983.

See: 15 N.J.R. 873(a), 15 N.J.R. 1667(b).

Amended by R.1992 d.275, effective July 6, 1992.

See: 24 N.J.R. 1232(a), 24 N.J.R. 2460(b).

Amended by R.1998 d.145, effective March 16, 1998.

See: 29 N.J.R. 4383(a), 30 N.J.R. 1048(a).

Rewrote the section.

Amended by R.1998 d.225, effective May 4, 1998.

See: 29 N.J.R. 5053(a), 30 N.J.R. 1619(a).

Inserted a new (a)4 and recodified former 4 as 5; inserted new (a)5i and ii; and recodified former (a)5 through 8 as 6 through 9.

Amended by R.1998 d.466, effective September 8, 1998.

See: 30 N.J.R. 2158(a), 30 N.J.R. 3251(b).

Inserted "shorthand" following "certified" and substituted "certification" for "license" throughout the section.

Amended by R.2001 d.93, effective March 19, 2001.

See: 32 N.J.R. 3259(a), 33 N.J.R. 1012(a).

Added (a)10.

SUBCHAPTER 7. CONTINUING EDUCATION

Authority

N.J.S.A. 45:15B-1.

Source and Effective Date

R.2001 d.93, effective March 19, 2001.

See: 32 N.J.R. 3259(a), 33 N.J.R. 1012(a).

13:43-7.1 Certificate renewal: continuing education requirement

(a) A certified shorthand reporter applying for biennial certificate renewal shall complete, during the preceding biennial period, continuing education in the continuing education ("CE") credits specified in N.J.A.C. 13:43-7.2. Certificate holders are exempt from the continuing education requirements of this subchapter for the initial period of certification.

(b) Each certificate holder shall confirm on the application for biennial certificate renewal that he or she has completed the required number of continuing education credits as provided for in N.J.A.C. 13:43-7.2 and 7.3. Falsification of any information submitted with the renewal application may result in penalties and/or suspension of the certificate pursuant to the Uniform Enforcement Act, N.J.S.A. 45:1-21.

13:43-7.2 Credit-hour requirements

(a) An applicant for a biennial certificate renewal shall complete, during the preceding biennial period, a minimum of 15 credits of continuing education.

1. For the biennial certification period ending on June 30, 2002, certificate holders shall only be required to complete eight credits of continuing education.

(b) A certificate holder who completes more than the minimum continuing education credits set forth in (a) above in any biennial registration period may carry over no more than five of the additional credits into a succeeding biennial period only if the additional credits were earned in the last six months of the preceding biennial period.

(c) A certificate holder whose certificate has lapsed for two years or more shall complete 15 credits of continuing education within two years prior to reinstatement.

(d) A certificate holder who is required to complete continuing education pursuant to Board disciplinary action shall not receive credit for such Board imposed continuing education toward the mandatory 15 credits of biennial continuing education.

(e) The Board may direct a certificate holder to complete continuing education credits to correct a deficiency in the certificate holder's continuing education requirement.

13:43-7.3 Continuing education programs and courses

(a) A certificate holder may obtain continuing education credits from the following:

1. Successful completion of continuing education programs, courses or seminars approved by the Board pursuant to N.J.A.C. 13:43-7.7. The Board shall approve only such continuing education programs, courses or seminars as are available and advertised on a nondiscriminatory basis to all persons granted certificates by the New Jersey State Board of Shorthand Reporting. The Board shall maintain a list of approved programs, courses and seminars at the Board office and shall furnish this information to certificate holders upon request;

2. Post-secondary course work, transcripts of which shall be furnished to the Board, in areas relating to shorthand reporting such as:

- i. English composition;
- ii. English grammar;
- iii. Computer training;
- iv. Business recordkeeping and/or accounting and/or marketing; and
- v. Specialty courses relating to the certificate holder's area of practice;

3. Participation, other than as a student, in educational programs such as:

- i. Teaching and research appointments; and
- ii. Program development;

4. Authorship of textbooks, articles or manuals as they specifically relate to shorthand reporting; and

5. Correspondence, televised, videotaped, teleconference and internet courses upon verification by the course provider that the course was monitored and successfully completed by the certificate holder.

13:43-7.4 Credit hour calculations

(a) Credit for continuing education shall be granted as follows for each biennial certification period:

1. Attendance at programs, courses or seminars approved by the Board pursuant to N.J.A.C. 13:43-7.7: one credit for each hour of attendance at an approved course. Credit shall not be granted for courses which are less than one instructional hour long. An entire course or segment of course instruction shall be completed in order to receive any continuing education credit;

2. Successful completion of post-secondary course work pursuant to N.J.A.C. 13:43-7.3(2): one continuing education credit for each course credit awarded;

3. Publication in a professional journal of an article related to the practice of shorthand reporting of not less than 500 words: three credits per article with a maximum of six credits per biennial certification period;

4. Authorship of a textbook or manual of not less than 7,500 words related to the practice of shorthand reporting: five credits for each textbook or manual with a maximum of 10 credits per biennial certification period;

5. Teaching, research appointments and program development: five credits for each new course, with a maximum of 10 credits per biennial certification period. "New" means a new course which the licensee has never taught before in an educational setting; and

6. Correspondence, televised, videotaped, teleconference and internet courses: one credit per course with a maximum of five credits per biennial certification period.

13:43-7.5 Reporting of continuing credit hours

(a) Certificate holders shall maintain documentation, as set forth in (c) below, of completion of continuing education requirements for a period of five years after the end of the renewal period and shall submit such documentation to the Board upon request.

(b) The Board shall audit certificate holders on a random basis to determine compliance with the continuing education requirements of this subchapter.

(c) Certificate holders shall maintain the following as documentation of completed continuing education:

1. For programs, courses, seminars and conferences approved by the Board pursuant to N.J.A.C. 13:43-7.7: the course provider's written verification of attendance;

2. For post-secondary courses: a transcript;

3. For articles published in a professional journal: the published article;

4. For authored textbooks or manuals: the textbook or manual;

5. For teaching, research appointments or program development: a statement from a school authority verifying the appointment; and

6. Correspondence, televised, videotaped, teleconference and internet courses: verification from the course provider.

13:43-7.6 Waiver of continuing education requirements

(a) The Board may waive continuing education requirements on an individual basis for reasons of hardship, such as illness, disability, military service, or other good cause.

(b) A certificate holder seeking a waiver of the continuing education requirements shall apply to the Board in writing and set forth with specificity the reasons for requesting the waiver. The certificate holder shall also provide the Board with such additional information as it may request in support of the waiver application.

(c) A certificate holder shall apply for a waiver of any part(s) of the continuing education requirement within 90 days of the expiration of the biennial renewal period.

13:43-7.7 Responsibilities of continuing education course providers

(a) All continuing education course providers shall submit the following, for each program, course or seminar offered, for evaluation by the Board:

1. A detailed description of program or course content and estimated hours of instruction;

2. The curriculum vitae of the lecturer, including specific background which qualifies the individual as a lecturer in the area of instruction; and

3. The program provider fee pursuant to N.J.A.C. 13:43-6.1.

(b) All continuing education course providers shall:

1. Secure Board approval prior to representing that any course, seminar or program has been approved for continuing education;

2. Monitor the attendance at each approved program, course or seminar and furnish to each enrollee a verifica-

tion of attendance, which shall include the following information:

- i. The title, date and location of the program, course or seminar;
- ii. The name and certificate number of attendee;

- iii. The number of credits awarded; and
 - iv. The name and signature of an officer of the organization; and
3. Evaluate program, course or seminar offerings through solicitation from both the participants and the instructors.