

CHAPTER 37

NEW JERSEY BOARD OF NURSING

Authority

N.J.S.A. 45:11-23.

Source and Effective Date

R.1995 d.88, effective January 19, 1995.
See: 26 N.J.R. 4731(a), 27 N.J.R. 728(a).

Executive Order No. 66(1978) Expiration Date

Chapter 37, New Jersey Board of Nursing, expires January 19, 2000.

Chapter Historical Note

Chapter 37, New Jersey Board of Nursing, was originally adopted by R.1970 d.66, effective June 3, 1970. See: 1 N.J.R. 22(a), 2 N.J.R. 55(e). Substantial amendments were made to Subchapters 2 through 6 by R.1984 d.137, effective April 16, 1984. See: 15 N.J.R. 1850(a), 16 N.J.R. 922(a). 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). Subchapters 2 through 6 were readopted by 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 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 (section 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 was readopted as R.1995 d.88. See: Source and Effective Date. As a part of R.1995 d.88, Subchapter 1, Programs in Nursing Education, was extensively revised, 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by Examination for Foreign Nurses; Subchapter 5, Licensure by Endorsement, and Subchapter 12, Fee Schedule, were repealed and new rules for Subchapters 2, 3, 4, and 5 were adopted, effective February 21, 1995. See: 26 N.J.R. 4731(a), 27 N.J.R. 728(a).

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SUBCHAPTER 1. PROGRAMS IN NURSING EDUCATION

13:37-1.1 Application for establishment of a new program in nursing or reorganization of an existing program

(a) An institution seeking to establish a new program in nursing and/or reorganize an existing program shall submit in writing to the Board of Nursing an application consisting of the following items:

1. The philosophy and objectives of the program in accordance with N.J.A.C. 13:37-1.2, criteria for accreditation;
2. An Analysis of Need for the program;
3. Evidence of financial resources adequate for the planning, implementation and continuation of the program including a projected budget for a five year period;
4. An organizational chart describing the lines of authority and the administrative structure of the program;
5. Curricula vitae for all nurse educators and consultants responsible for the development and administration of the program.

(b) The application shall be submitted to the Board no later than 11 months prior to the establishment of a new program or the reorganization of an existing program.

- (c) After reviewing these materials the Board shall either:
1. Grant preliminary permission to pursue the development of the proposed program. This preliminary permission does not ensure that provisional accreditation will be granted; or
 2. Require the redesign and/or revision of the preliminary program materials or the submission of additional information. Redesign or revision of preliminary program materials does not ensure that provisional accreditation will be granted; or

3. Deny permission to establish a new program and/or reorganize an existing program.

(d) The institution may request a hearing before the Board to appeal a decision of (c)2 or 3 above.

(e) After receiving preliminary permission to establish a new program and/or reorganize an existing program, the institution shall submit to the Board no later than five full calendar months prior to the month anticipated for the start of the program the following items:

1. All of the documents needed to satisfy the requirements of N.J.A.C. 13:37-1.2, Criteria for accreditation;
2. A statement of the conceptual/organizational framework of the curriculum;
3. A projected budget for a five year period;
4. An organizational chart as contained in (a) above;
5. A written statement containing information on the anticipated student population including at least the following:
 - i. The number of students to be admitted to each of the first four classes after establishment or reorganization of the program;
 - ii. Maximum student enrollment;
 - iii. Timetable for attainment of maximum student enrollment;
 - iv. Admission, retention and dismissal policies;
 - v. Student services.
6. A written statement describing the support staff, the curricula vitae for all faculty members, dates of faculty appointment, and time phase plan for increases in faculty commensurate with student enrollment.

Amended by R.1976 d.368, effective November 19, 1976.

See: 8 N.J.R. 199(b), 8 N.J.R. 575(a).

New Rule, R.1985 d.285, effective June 3, 1985.

See: 17 N.J.R. 51(a), 17 N.J.R. 1426(b).

This section was originally Definitions.

Amended by R.1988 d.558, effective December 5, 1988.

See: 20 N.J.R. 1645(b), 20 N.J.R. 3021(a).

13:37-1.2 Eligibility for accreditation

(a) The following educational entities shall be considered eligible for accreditation:

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.
2. Degree granting institutions shall be approved and licensed by the New Jersey State Department of Higher Education and accredited by the appropriate academic accrediting agencies.

(b) The following educational programs shall be considered eligible for accreditation;

1. **Baccalaureate Degree Program:** Programs leading to a baccalaureate degree in nursing accredited by the New Jersey State Board of Nursing conducted by an educational unit in nursing as an integral part of a higher educational institution licensed by the New Jersey State Department of Higher Education for the purpose of granting baccalaureate degrees. Baccalaureate degree programs shall include both generic and upper division curricula.

2. **Associate Degree Program:** Programs leading to an associate degree with a major in nursing accredited by the New Jersey State Board of Nursing, conducted by an educational unit in nursing as an integral part of a higher educational institution, licensed by the New Jersey State Department of Higher Education for the purpose of granting associate degrees.

3. **Diploma Program:** Programs leading to a diploma in nursing, (and, for a cooperative program, an Associate in Applied Science degree or Associate in Science degree) accredited by the New Jersey State Board of Nursing, conducted by an educational unit in nursing under the sponsorship of a hospital or consortium of hospitals in the State of New Jersey.

4. **Practical Nursing Program:** Within the meaning of N.J.S.A. 45:11-27(a)(4), programs leading to a diploma conducted for the purpose of giving basic required education in practical nursing accredited by the New Jersey State Board of Nursing. A program in practical nursing operated by the public school district or Board of Education and certified by the New Jersey State Department of Education, offering a course of study in practical nursing shall show evidence of its compliance with the requirements of the New Jersey State Board of Nursing and shall include clinical experience within cooperating clinical affiliates approved by the Board of Nursing.

New Rule, R.1985 d.285, effective June 3, 1985.

See: 17 N.J.R. 51(a), 17 N.J.R. 1426(b).

This section was originally "Application for initial accreditation."

Amended by R.1985 d.483, effective September 16, 1985.

See: 17 N.J.R. 1528(a), 17 N.J.R. 2282(a).

Added (v) through (y).

Amended by R.1988 d.558, effective December 5, 1988.

See: 20 N.J.R. 1645(b), 20 N.J.R. 3021(a).

Amended by R.1995 d.88, effective February 21, 1995.

See: 26 N.J.R. 4731(a), 27 N.J.R. 728(a).

13:37-1.3 Criteria for granting and withdrawing accreditation

(a) Except as set forth in (b) below, full accreditation shall be granted to any eligible program meeting all the standards and requirements of this subchapter. A certificate of full accreditation shall be issued in accordance with N.J.S.A. 45:11-34.

(b) Provisional accreditation shall be granted to a new program that meets the standards and requirements for accreditation set forth in this subchapter. Upon Board receipt and evaluation of the results of the licensing examination of the first graduating class, the program shall be eligible for full accreditation.

(c) A Board staff field representative shall visit all nursing programs and clinical affiliates at regular intervals as determined by the Board. The field representative shall examine the program for compliance with this subchapter and shall prepare a written report for the review of the Board.

(d) The Board may withdraw program accreditation in the event the program does not comply with the rules of this subchapter. The institution shall be given the opportunity for a hearing to appeal this decision.

(e) The eligibility of students currently enrolled in a program to sit for the licensing examination shall not be affected in the event a program has its accreditation withdrawn or in the event of a change in accreditation status from full to conditional.

13:37-1.4 Conditional accreditation

(a) The Board shall place an accredited program on conditional accreditation if:

1. The program fails to meet or maintain the standards and requirements for accreditation contained in this subchapter; or

2. Less than 80 percent of its graduates achieve passing grades in the licensing examination.

(b) The Board may limit the number of students enrolled in a program placed on conditional accreditation. The institution shall be given the opportunity for a hearing to appeal this decision.

(c) The program shall be notified by letter of conditional accreditation by the Board including any conditions which must be corrected within a specific time period established by the Board.

(d) The Board may, upon request, remove a program from conditional accreditation if it can be demonstrated that the standards and requirements contained in this subchapter have been met.

13:37-1.5 (Reserved)

Repealed by R.1985 d.285, effective June 3, 1985.

See: 17 N.J.R. 51(a), 17 N.J.R. 1426(b).

13:37-1.6 Probation

A program may be placed on probation when its graduates fail to achieve 80 percent passing on the licensing examinations for two consecutive years. A program placed

on probation shall not admit new or transfer students into the program. The institution shall be given the opportunity for a hearing to appeal this decision.

13:37-1.7 Plans of organization and administration

(a) The institution shall have an effective plan of organization and administration appropriate to the purpose and implementation of the program in nursing. There shall be a written organizational plan describing the internal organization of the program, lines of authority, procedures for providing communication with the governing body and clinical affiliates and the role of any advisory committee associated with the program.

(b) The program shall be assured of stable, financial resources adequate for and effectively allocated to support its educational activities. There shall be a budget prepared in accordance with sound educational and financial practices. The financial statement shall give a clear picture of the status of the program.

(c) There shall be a qualified nurse administrator of the nursing program who shall have direct authority for the fiscal and academic administration of the program. The administrator shall be responsible to the governing body of the sponsoring institution.

13:37-1.8 Program philosophy and objectives

(a) The nursing program shall have in writing a defined statement of philosophy and program objectives which are consistent with the definition of nursing as set forth in N.J.S.A. 45:11-23(b).

(b) The philosophy and program objectives shall be developed by the faculty.

(c) The philosophy of the program shall include, but not be limited to, the faculty's beliefs about the following:

1. Nursing and nursing education.
2. Humans and society.
3. Education as a life-long process (continuing education).
4. Teaching-learning process.

(d) The program objectives shall measure the entry level competencies of the graduate.

(e) The philosophy and program objectives shall be used by the faculty in planning, developing, implementing, and evaluating the total program.

(f) The written statement of philosophy and objectives shall be shared with the faculty, students, cooperating agencies, advisory committees and interested persons.

(g) The philosophy and objectives shall be consistent with professional, educational and ethical standards of nursing.

13:37-1.9 Qualifications of program administrator

(a) In Registered Nursing Programs (Baccalaureate), in addition to the qualifications contained in N.J.A.C. 13:37-1.10, the administrator shall hold a masters degree with a major in nursing and an earned doctoral degree.

(b) In Registered Nursing Programs (Associate Degree and Diploma), in addition to the qualifications contained in N.J.A.C. 13:37-1.10, the administrator shall hold a minimum of a masters degree with a major in nursing.

(c) In Licensed Practical Nursing Programs, in addition to the qualifications contained in N.J.A.C. 13:37-1.10(a)1, 3, 4 and 5, the administrator shall hold a minimum of a bachelors degree in nursing with additional courses in education.

(d) All degrees shall be earned at accredited schools of nursing.

13:37-1.10 Faculty qualifications

(a) For purposes of this section, faculty shall include persons from out-of-state nursing programs who are responsible for teaching students in a clinical affiliate located in New Jersey.

(b) All individuals with faculty responsibilities shall have the following qualifications:

1. Current registration in New Jersey as a professional nurse;
2. Graduation from accredited Masters Degree Program with a major in nursing, except that
 - i. Faculty in Licensed Practical Nursing Programs shall hold a minimum of a bachelors degree with a major in nursing; and
 - ii. Instructors in any school operated by a public board of education in any local or county school district shall meet the professional qualification requirements of the school district;

NOTE: Only those faculty members who began their employment on or before September 1, 1981 may qualify for an exemption from this requirement in accordance with previous Board policy.

3. Academic, professional/clinical experience qualifications appropriate to the specific area of responsibility of the appointed position.
4. Maintenance of up-to-date professional competence (that is, participation in on-going clinical practice);

5. Maintenance of up-to-date continuing education (that is, participation in) professional conferences, workshops, seminars, advanced academic courses, research projects and writing);

6. Compliance with all academic and professional qualifications for appointment required by the sponsoring institution.

(c) All degrees shall be earned at accredited schools of nursing.

(d) Each newly appointed faculty member shall file a record of professional preparation and experience with the Board.

13:37-1.11 Required number of faculty

(a) The number of faculty members in the program shall be sufficient to achieve program goals. The required number of faculty shall be determined by the following factors:

1. Number of students enrolled;
2. Number and locations of clinical affiliate facilities;
3. Total reasonable work-load capacity of the faculty;
4. Maintenance of supervision of students in clinical experiences within a student-faculty ratio of not more than 10 students to one clinical faculty member.

13:37-1.12 Development and implementation of nursing program

(a) Responsibility for developing and implementing the program shall be placed in the nursing faculty. Faculty responsibilities shall include, but not be limited to:

1. Development and maintenance of a written statement of the purposes, mission and objectives of the program, consistent with the requirements of N.J.S.A. 45:11-23 et seq.;
2. Active participation in the construction, implementation, teaching and evaluation of the curriculum consistent with the requirements of N.J.A.C. 13:37-1.13;
3. Participation in the establishment and implementation of criteria for faculty promotion and retention;
4. Establishment and implementation of criteria for student admission, promotion, retention and completion of the program consistent with the requirements of N.J.A.C. 13:37-1.17;
5. Evaluation of student achievement on the basis of written criteria prepared or selected by the faculty;
6. Determination of eligibility of students for graduation and admission to the licensing examination;
7. Development of a written plan for evaluation of the effectiveness of the curriculum. The plan shall include instruments for evaluation, time of the evaluation, and

intended uses of the evaluation. Evaluations shall be kept current and in accordance with the written plan. The Board may request evidence of the implementation of such evaluation.

13:37-1.13 Curriculum organization and content

(a) The curriculum shall be organized as follows:

1. The curriculum shall be designed by the faculty to reflect the stated philosophy and objectives of the program;
2. The conceptual framework of the curriculum shall be clearly stated and facilitate implementation of the curriculum goals;
3. Rationale shall be specified for the allocation of credit for the nursing courses;
4. Non-nursing courses shall be attended with students in other disciplines.

(b) All professional nursing programs shall reflect and implement a written organizational framework which utilizes the nursing process. It shall include sufficient learning experiences encompassing casefinding, health teaching, health counseling, and the provisions of care supportive to or restorative of life and well-being.

(c) All professional nursing programs shall include a broad spectrum of liberal arts and science offerings. Each student shall be required to take at least one college level course leading to proficiency in English composition. Content areas in the biological, physical and behavioral sciences shall include but not be limited to anatomy, physiology, chemistry, microbiology, physics, psychology, sociology and anthropology.

(d) All professional nursing programs shall contain nursing courses with content from the major areas: medical-surgical, psychiatric, mental health, parent-child health, as well as promotion and maintenance of health, prevention and detection of illness and restoration of life. Clinical laboratory experience shall be planned as an integral part of the curriculum.

(e) All professional nursing programs shall contain course content on ethical issues affecting practice and professional responsibilities.

(f) All practical nursing programs shall be designed to incorporate materials and concepts from the physical, biological and behavioral sciences relevant to the principals and practice of nursing and contemporary issues in health care. The course of study shall be a minimum of 44 weeks in length excluding holidays and vacations. Forty percent of the total hours shall be devoted to classroom theory and laboratory. The remaining 60 percent shall be devoted to clinical experience and clinical conference. The program

shall be organized so that theory and clinical practice are offered concurrently throughout the entire program.

(g) All nursing programs shall contain content relating to chemical substance abuse.

(h) All professional nursing programs shall be designed to prepare the practitioner to provide care in a variety of delivery systems and arenas, including community nursing/home care.

13:37-1.14 Changes in nursing programs

(a) No major change in a nursing program shall be implemented without the prior approval of the Board. Major program changes include:

1. Changes of administrative control. When a change or transfer of administrative control is contemplated, nursing program officials shall submit to the Board the following information in writing:

- i. An application made pursuant to N.J.A.C. 13:37-1.1 for initial approval of a nursing program under the auspices of the new sponsoring institution;
- ii. A study/analysis substantiating the need for the change;
- iii. The anticipated plan of administrative and organizational control;
- iv. The anticipated effect of the change on students, faculty and resources;

2. Organizational/structural changes or changes of the administrator of the program;

3. Major changes in curriculum or alterations of the present curriculum. Major curriculum changes include:

- i. Changes in philosophy or objectives which alter the present curriculum;
- ii. An increase or decrease in the length of the program; or
- iii. Reorganization of the curriculum.

4. When a major change in curriculum is contemplated, nursing program officials shall submit to the Board the following information in writing:

- i. Rationale for the proposed changes, including its anticipated effect on faculty, students, resources and facilities;
- ii. Presentation of the differences between the current curriculum and the proposed curriculum changes;
- iii. A timetable for implementation of the change;
- iv. Methods of evaluation which will be used to determine the effect of the change.

5. Written notification as contained in (l)2, 3, and 4 above shall be submitted at least four calendar weeks prior to the Board Meeting at which approval is sought.

13:37-1.15 Required educational and administrative resources

(a) Classrooms, laboratories, conference rooms, offices and other space as needed shall be provided to meet the needs of the students and faculty;

(b) Adequate office space and equipment consistent with current technology shall be provided for the administrator, faculty and clerical staff;

(c) Furnishings, supplies and equipment consistent with current technology shall be provided to achieve the educational purposes of the program;

(d) The library shall be adequate in size and holdings to meet the educational needs of the students and faculty. Provision shall be made in the budget for regular and adequate acquisitions to the library collection. Library facilities consistent with current technology, including audio-visual equipment, shall be adequate and available to students and faculty.

13:37-1.16 Clinical affiliates

(a) Every clinical affiliate shall be approved or disapproved on the basis of the following:

1. Resources for training in clinical practice shall implement the nursing process and shall reflect adequate and safe patient care.

2. Accreditation by the appropriate authority prior to the assignment of students.

3. There shall be a written agreement between the nursing program and the clinical affiliate. The agreement shall be signed and adhered to by the parties and shall include but not be limited to provision for the following:

- i. Periodic review of the terms of the written agreement.
- ii. Adequate notice of termination of the agreement by either party.
- iii. Control of student education by the faculty of the nursing program.
- iv. Continuous educational planning for students assigned to the clinical affiliate.
- v. Joint annual evaluation of the effectiveness of the clinical experience.
- vi. Student-faculty ratio of not more than 10 students to one faculty member.

4. A clinical affiliate located outside of New Jersey shall meet the requirements of (n)1 and 2 above and shall be approved as a qualified institution for providing clinical experience in nursing by the Board of Nursing of the state in which it is located.

5. Whenever a change in the clinical facilities is contemplated, the Board shall be notified of the proposed change in writing for its review and approval prior to the implementation of the change.

13:37-1.17 Criteria for student admission, promotion, retention and completion of the program

(a) The program's nursing facility shall ensure that the program meets all the requirements of N.J.S.A. 45:11-26 or 45:11-27.

(b) Students shall be selected on the basis of established criteria in conformity with Federal and State laws on discrimination.

(c) There shall be written policies for admission, readmission promotion, retention, graduation and transfer of students.

(d) There shall be written criteria for granting course credit for programs admitting students with advanced standing.

(e) There shall be written policies governing payment and refund of tuition and other fees.

(f) Dates shall be set for the beginning and ending of each term.

(g) A grievance procedure shall be established and made available to the students.

(h) Individual liability insurance shall be required for all students.

(i) Written policies regarding health, counseling and guidance services, financial aid, and living accommodations shall be established.

(j) All written policies affecting students shall be distributed to students.

(k) Current information about the school shall be distributed to students, applicants for admission and the Board of Nursing. The bulletin shall include the following items:

1. General description of the program;
2. Accreditation;
3. Admission, retention, promotion and graduation requirements;
4. Curriculum plan and course descriptions; and
5. Statement of tuition fees and refund policies.

13:37-1.18 Program recordkeeping and reporting requirements

(a) Every nursing program shall maintain a system of recordkeeping which shall contain all data relating to its accreditation. Such data shall include course outlines, faculty organization, committee minutes, agency contracts, pertinent correspondence, reports of standardized tests and survey. These records shall be made available to the Board of Nursing upon request.

(b) There shall be a recordkeeping system that provides for accurate recording of admission data and student academic records. Provision shall be made for safe storage of records to prevent loss by destruction and unauthorized use. Student records shall be made available to the Board of Nursing upon request.

(c) An annual report of the school of nursing shall be submitted each year on a date determined by the Board. Forms will be supplied by the Board two months before the report is due.

13:37-1.19 Program termination or suspension

(a) Procedures for termination of the program include:

1. "Phasing out," in which students enrolled continue until they complete the program; no students are admitted or accepted by transfer; qualified faculty remain; and Board requirements continue to be met;
2. Transfer of students to other schools in a manner providing a minimum loss to the students.

(b) The administrative officer responsible for an educational institution or hospital which plans to discontinue the educational program in nursing, or to suspend any essential part of its program, shall so advise the Board, in writing, at least six months prior to the admission of the last class. The written notification shall include the reasons for terminating the program and the specific plans for students enrolled.

(c) The administrative officer shall be responsible for the safekeeping of records and shall notify the Board of the future custody of records at least 10 days prior to the official date of closure. The official date of closure shall be the date on which the last student is properly transferred or completes the program.

New Rule, R.1995 d.88, effective February 21, 1995.
See: 26 N.J.R. 4731(a), 27 N.J.R. 728(a).

SUBCHAPTER 2. LICENSURE BY EXAMINATION; PROFESSIONAL AND PRACTICAL NURSES

13:37-2.1 Eligibility requirements

(a) Each applicant for licensure as a professional nurse or a practical nurse shall meet all of the qualifications for the

type of licensure sought, as set forth in N.J.S.A. 45:1-14 et seq., 45:11-23 et seq. and this chapter and shall pass the Board approved examination identified in N.J.A.C. 13:37-2.2. The course of practical nursing study must be at least 44 weeks in length, excluding vacations and holidays.

(b) Attendance in or successful completion of a professional nursing program shall not serve as an equivalent or substituted qualification for the practical nursing educational requirement.

13:37-2.2 Board approved licensing examination

(a) The Board-approved licensing examination for professional nurses is the National Council Licensure Examination for Registered Nurses (NCLEX-RN).

(b) The Board-approved licensing examination for practical nurses is the National Council Licensure Examination for Practical Nurses (NCLEX-PN).

(c) The passing score on the examination shall be determined by the Board and will be reported to the applicant as pass or fail.

(d) An applicant who fails to pass three consecutive licensing examinations shall submit to the Board, prior to the fourth licensing examination, proof of successful completion of a remediation course conducted by a qualified instructor within the meaning of N.J.A.C. 13:37-1.10 in the area(s) of need.

13:37-2.3 Application requirements; professional and practical nurses

(a) Each applicant for licensure shall file the following with the Board:

1. A completed application form, which requests information concerning the applicant's educational and experiential background;

2. The non-refundable application fee set forth in N.J.A.C. 13:37-12.1(a)1; and

3. A written certification from the program administrator or registrar attesting that the applicant has successfully completed all requirements for graduation from a Board accredited professional/practical nursing program. The certification shall indicate the date of actual graduation or the date the degree/diploma was actually conferred.

13:37-2.4 Application requirements; graduates of foreign nursing programs

(a) An applicant for licensure who graduated from a foreign nursing program shall submit the following:

1. All of the documents required in N.J.A.C. 13:37-2.3;

2. For professional nurse applicants, a valid certification by the Commission on Graduates of Foreign Nursing Schools (CGFNS);

3. For practical nurse applicants, a valid certificate of successful completion of TOEFL, with a minimum score acceptable to the Board;

4. Written verification of licensure in good standing from each country and/or state in which the applicant is or has been licensed. For purposes of this section, licensure in good standing means a license which is not expired, suspended, revoked, surrendered or restricted; and

5. Evidence of possession of a properly issued and held visa or immigration card.

(b) Graduates of foreign practical nursing programs shall also submit an official transcript indicating that the applicant successfully completed the equivalent of graduation from an approved nursing program. The transcript shall indicate the date of graduation or the date the degree/diploma was conferred. The Board or its agent shall review the transcript to determine equivalency. An applicant who is deficient in medical, surgical, pediatric, obstetric or psychiatric nursing shall be required to complete a course in a Board approved practical nursing program in the area(s) of deficiency.

(c) Any applicant who obtained his or her credentials (for example, transcripts, licenses or certificates) through fraud, deception, misrepresentation, false promise or false pretense shall not be eligible to take the examination nor to be licensed.

SUBCHAPTER 3. PRACTICE AS A GRADUATE NURSE

13:37-3.1 Qualifications to practice as a graduate professional or practical nurse

(a) An individual may be employed as a graduate professional or practical nurse pending notification of examination results provided that, within 60 days of successfully completing a Board-approved course of study or, for graduates of foreign nursing programs, within 60 days of the date of first arrival in the United States of America, the individual:

1. Applies to the testing service and takes the appropriate licensing examination; and

2. Applies to the Board for licensure and submits all of the documents required pursuant to N.J.A.C. 13:37-2.1.

(b) A graduate nurse shall practice only in approved settings, as set forth in N.J.A.C. 13:37-3.2, and only under the direct supervision of a registered professional nurse. For purposes of this subchapter, direct supervision shall require the physical presence of a registered professional nurse within the patient care unit or home.

(c) Individuals who have completed a nursing program or who have arrived in the United States more than 60 days prior to application for licensure shall not be permitted to work as graduate nurses.

13:37-3.2 Approved settings for graduate nurse practice

(a) A graduate nurse shall be permitted to practice only in settings approved by the Board. Board approval shall be limited to licensed acute, long-term, rehabilitation and/or psychiatric hospital facilities and/or home health agencies.

(b) A graduate nurse shall not assume charge responsibilities.

(c) A graduate nurse shall not render nursing services in a physician's or dentist's office, nor for a private employment agency, temporary help agency, visiting nurses' agency, residential or ambulatory care facility, and shall not perform private duty nursing.

SUBCHAPTER 4. LICENSURE BY ENDORSEMENT; PROFESSIONAL AND PRACTICAL NURSES

13:37-4.1 Eligibility requirements

(a) Each applicant for licensure by endorsement shall:

1. Meet all of the qualifications for the type of licensure sought, as set forth in N.J.S.A. 45:1-14 et seq., 45:11-23 et seq. and this chapter;
2. Be licensed by examination in a jurisdiction which is a member of the National Council of State Boards of Nursing; and
3. Have attained a passing score on the licensing examination consistent with the provisions of N.J.A.C. 13:37-4.2 and 4.3.

(b) Attendance in or successful completion of a professional nursing program shall not serve as an equivalent or substituted qualification for the practical nursing educational requirement.

(c) An applicant who is deficient in the required curriculum content set forth in N.J.A.C. 13:37-1.13 or who fails to provide written verification of licensure in good standing from the state of original licensure and from the state in

which the applicant is currently licensed shall not be eligible for licensure by endorsement.

(d) Any applicant who obtains his or her credentials (for example, transcripts, licensure) through fraud, deception, misrepresentation, false promise or false pretense shall not be eligible to be licensed.

13:37-4.2 Examination scores; professional nurses

(a) Applicants for professional nurse licensure by endorsement shall be required to have attained a passing score on the licensing examination as follows:

1. If licensed prior to March 1954, the passing score required in the state of original licensure.
2. If licensed between March 1954 and July 1982, the passing score required in New Jersey in all subjects of State Board Test Pool Examination.
3. If licensed after July 1982, the score required for all applicants for licensure by NCLEX-RN.

(b) Applicants for practical nurse licensure by endorsement shall be required to have attained a passing score on the licensure examination as follows:

1. If licensed prior to January 1, 1949, the passing score required in the state of original licensure.
2. If licensed between January 1, 1949 and December 31, 1960, a score of 350.
3. If licensed after January 1, 1961, a score of 375 on the State Board Test Pool Examination.
4. If licensed after October 1982, a score of 350 on the NCLEX-PN.
5. If licensed after October 1989, a "pass" score on the NCLEX-PN.

13:37-4.3 Application requirements; licensure by endorsement

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

1. All of the documents required in N.J.A.C. 13:37-2.3; and
2. Written verification of licensure in good standing from the state in which the applicant was originally licensed and from the state in which the applicant is currently licensed. The verification shall be forwarded directly to the Board from the applicable state board. The verification from the state of original licensure shall indicate that the applicant attained a passing score on the national licensing examination equal to that required of candidates in New Jersey at the time of the applicant's initial licensure in the original state of licensure.

(b) Where the state of original licensure did not utilize the examinations referred to in this subsection or the appli-

cant otherwise fails to attain a passing score, the applicant shall be required to apply for licensure by examination pursuant to N.J.A.C. 13:37-2.

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

13:37-5.1 License requirement

No licensee shall engage in nursing practice without being in possession of a current license which is active and not suspended, revoked or surrendered.

13:37-5.2 Responsibilities of dual licensure

(a) A licensed registered professional nurse who is also licensed as a practical nurse shall be held to the level of responsibility of a registered professional nurse, regardless of his or her employment or work status.

(b) A dually licensed individual who wishes to limit his or her nursing responsibilities to those required of a licensed practical nurse shall either:

1. Terminate his or her registered professional nurse license by submitting written notification to the Board of said intent; or
2. Maintain registered professional nurse licensure in inactive status.

13:37-5.3 Notification of change of address

A licensee or certificate holder of the Board of Nursing shall notify the Board in writing of any change of address from that currently registered with the Board and shown on the most recently issued license or certificate. Such notice shall be given not later than 30 days following the change of address.

13:37-5.4 Reporting of unlawful conduct

Every nurse licensee shall report in a timely manner to the Board of Nursing or its designated representative any and all incidents or series of incidents which upon objective evaluation leads to the good faith belief that the conduct is in violation of the Nurse Practice Act (N.J.S.A. 45:1-14, 45:11-23 et seq.) or any regulation adopted by the Board.

13:37-5.5 Self-reporting

(a) Every nurse and homemaker-home health aid licensed and/or certified under the Nurse Practice Act, N.J.S.A. 45:1-14 et seq., shall immediately notify the Board, in writing, upon the following:

1. Acquiring a physical or mental impairment or disability that adversely affects his or her current ability to practice nursing with reasonable skill and safety;

2. Being the accused in an indictment or conviction of a crime involving moral turpitude or a crime adversely relating to his or her practice when such indictment or conviction is rendered after the effective date of this regulation;

3. Being a named defendant or respondent in a civil, criminal or administrative investigation, complaint or judgment involving alleged malpractice, negligence or misconduct relating to his or her practice when such investigation, complaint or judgment occurred after the effective date of this regulation;

4. Being the subject of any voluntary license or certification surrender or any disciplinary action or order by any state or Federal agency, board or commission, including any order of limitation or preclusion; or

5. Failing to maintain or renew any certification which is required by law as a condition of practice and/or as a condition of license or certification renewal.

(b) Any nurse or homemaker-home health aid licensed and/or certified under the Nurse Practice Act, N.J.S.A. 45:11-23 et seq., who violates any provision of the Act or N.J.S.A. 45:1-14 et seq. may, 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., be subject to disciplinary action by the Board including practice restriction.

13:37-5.6 Biennial license renewal

(a) All 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 current biennial period.

(b) The Board shall send a biennial renewal notice by regular mail to each current licensee at the last known address on or about October 1 of the year of expiration. The renewal form requests information on current employment status as well as on any criminal proceedings pending against the licensee.

(c) Licenses shall be divided into two categories known as "active" and "inactive" licenses. "Active" licenses are required of all persons engaged in any type of nursing practice. An "inactive" license may be requested by an individual who is eligible for an active license but who is not engaged in any type of nursing practice.

(d) Each licensee in either class shall truthfully complete and file the biennial renewal form with the Division of Consumer Affairs, State of New Jersey, CN 152, Trenton, New Jersey 08625-0152 on or before December 31 of the year of expiration. The biennial renewal form shall be accompanied by a check or money order for the renewal fee set forth in N.J.A.C. 13:37-12.1.

13:37-5.7 Reinstatement

An individual whose license has been inactive, suspended or revoked for more than two years shall be required to complete, as a condition of reinstatement, a nurse refresher course approved by the Board.

13:37-5.8 Fee schedule

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

1. Application fee	\$50.00
2. Initial license fee	50.00
3. Licensure by endorsement	60.00
4. Verification for endorsement	30.00
5. Renewal of license (Biennial)	
i. Active	50.00
ii. Inactive	25.00
6. Late license renewal (after 30 days)	50.00
7. Lapsed license fee	100.00
8. Duplicate license	25.00
9. Change of name or address	15.00
10. Written verification of licensure	15.00
11. Notary fee	5.00
12. Record duplication	5.00
13. Copy of Nurse Practice Act	5.00
14. 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	20.00
2. Program approval fee for each location at which course is offered (annual)	100.00
3. Instructor's Manual	20.00
4. Student Manual	10.00
5. Initial certification fee	
i. If paid during the first year of a biennial renewal period	10.00
ii. If paid during the second year of a biennial renewal period	5.00
6. Renewal of certificate (Biennial)	10.00
7. Late renewal of certificate	10.00
8. Duplicate certificate	5.00
9. Certification by endorsement	10.00

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

1. Application fee	100.00
2. Initial certification fee	
i. If paid during the first year of a biennial renewal period	75.00
ii. If paid during the second year of a biennial renewal period	37.50
3. Renewal of certification (biennial)	75.00
4. Certification by endorsement	75.00
5. Late renewal of certificate (one to 30 days)	50.00
6. Reinstatement fee (after 30 days)	100.00
7. Duplicate certificate	25.00

SUBCHAPTER 6. NURSING PROCEDURES**13:37-6.1 Nursing procedures**

Nursing procedures shall be determined by the Nursing Practice Act of this State, subject to the interpretation and revision by the Board of Nursing.

As amended, R.1984 d.137, eff. April 16, 1984.
See: 15 N.J.R. 1850(a), 16 N.J.R. 922(a).

This section replaces a section entitled "Intradermal Tuberculin Test."

13:37-6.2 Delegation of selected nursing tasks

(a) The registered professional nurse is responsible for the nature and quality of all nursing care including the assessment of the nursing needs, the plan of nursing care, the implementation, and the monitoring and evaluation of the plan. The registered professional nurse may delegate selected nursing tasks in the implementation of the nursing regimen to licensed practical nurses and ancillary nursing personnel. Ancillary nursing personnel shall include but not be limited to: aides, assistants, attendants and technicians.

(b) In delegating selected nursing tasks to licensed practical nurses or ancillary nursing personnel, the registered professional nurse shall be responsible for exercising that degree of judgment and knowledge reasonably expected to assure that a proper delegation has been made. A registered professional nurse may not delegate the performance of a nursing task to persons who have not been adequately prepared by verifiable training and education. No task may be delegated which is within the scope of nursing practice and requires:

1. The substantial knowledge and skill derived from completion of a nursing education program and the specialized skill, judgment and knowledge of a registered nurse;
2. An understanding of nursing principles necessary to recognize and manage complications which may result in harm to the health and safety of the patient.

(c) The registered professional nurse shall be responsible for the proper supervision of licensed practical nurses and ancillary nursing personnel to whom such delegation is made. The degree of supervision exercised over licensed practical nurses and ancillary nursing personnel shall be determined by the registered professional nurse based on an evaluation of all factors including:

1. The condition of the patient;
2. The education, skill and training of the licensed practical nurse and ancillary nursing personnel to whom delegation is being made;
3. The nature of the tasks and the activities being delegated;
4. Supervision may require the direct continuing presence or the intermittent observation, direction and occasional physical presence of a registered professional nurse. In all cases, the registered professional nurse shall be available for on-site supervision.

(d) A registered professional nurse shall not delegate the performance of a selected nursing task to any licensed practical nurse who does not hold a current valid license to practice nursing in the State of New Jersey. A registered professional nurse shall not delegate the performance of a selected nursing task to ancillary nursing personnel who have not received verifiable education and have not demonstrated the adequacy of their knowledge, skill and competence to perform the task being delegated.

(e) Nothing contained in this rule is intended to limit the current scope of nursing practice.

(f) Nothing contained in this rule shall limit the authority of a duly licensed physician acting in accordance with N.J.S.A. 45:9-1 et seq.

New Rule, R.1986 d.431, effective October 20, 1986.
See: 18 N.J.R. 1176(a), 18 N.J.R. 1448(a), 18 N.J.R. 2128(a).

SUBCHAPTER 7. CERTIFICATION OF NURSE PRACTITIONERS/CLINICAL NURSE SPECIALISTS

13:37-7.1 Application for certification

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

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

1. Proof of a current New Jersey registered professional nurse license in good standing;
2. A completed application form and the application fee set forth in N.J.A.C. 13:37-12.1. The application form solicits information including: general biographical, educational and experiential data;
3. Proof that the applicant has successfully completed the educational requirements set forth in N.J.A.C. 13:37-7.2 or, where applicable, N.J.A.C. 13:37-7.4. The applicant shall obtain verification of successful completion from the school(s) where the applicant completed the educational requirements; and
4. Proof that the applicant has successfully completed the examination requirements set forth in N.J.A.C. 13:37-7.3 or, where applicable, the certification requirements of N.J.A.C. 13:37-7.4.

13:37-7.2 Educational requirements for certification

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

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

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

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

13:37-7.3 Examination requirements for certification

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

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

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

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

1. Proof of successful completion of a post basic nursing certificate program accredited and/or approved by an entity acceptable to the Board of at least one academic year in the area of OB/GYN or women's health;

2. Proof of current certification from a nationally recognized OB/GYN or women's health certifying body approved by the Board;

3. Proof of successful completion of a six month preceptor program approved or given by an entity acceptable to the Board; and

4. Proof of successful completion of a pharmacology course which meets the following requirements:

i. A pharmacology course integrated into the post basic certificate program referred to in (a)2 above or equivalent pharmacology course, as determined by the Board;

ii. Each applicant who has completed the pharmacology requirements referred to in (a)4i above more than five years prior to the filing date of the initial application for certification under this subchapter shall be required to successfully complete one of the following:

(1) A graduate level credit course in pharmacology from a school duly accredited by any national accrediting agency approved by the Board; or

(2) Thirty contact hours of continuing professional education courses devoted to pharmacology and drug management approved by the Board as set forth in N.J.A.C. 13:37-7.2(c)1. Each contact hour shall represent or be equivalent to 50 minutes of actual course attendance.

13:37-7.5 Biennial certification renewal

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

(b) No person shall practice as a nurse practitioner/clinical nurse specialist, or present, call or represent himself or herself as a nurse practitioner/clinical nurse specialist unless he or she has been duly issued and received a current

biennial certificate to practice as a nurse practitioner/clinical nurse specialist pursuant to N.J.S.A. 45:11-45 et seq.

13:37-7.6 Prescriptive practice

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

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

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

1. The prescriber's full name, address, telephone number, license number, certification number and academic degree. This information shall be printed on all prescriptions/orders;

2. The full name, age and address of the patient;

3. The date of issuance of prescription/order;

4. The signature of prescriber, hand-written as "R.N., N.P., C." or "R.N., C.N.S., C."; and

5. The full name and academic degree of the collaborating physician. For prescriptions only, the address and telephone number of the collaborating physician shall be printed.

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

1. The name, strength, route and quantity of drug or drugs to be dispensed;

2. Adequate instructions for the patient; a direction of "prn" or "as directed" alone shall be deemed an insufficient direction;

3. The number of refills permitted or time limit for refills, or both;

4. Every prescription blank shall be imprinted with the words "substitution permissible" and "do not substitute" and shall contain space for the nurse practitioner/clinical nurse specialist's initials next to the chosen option, in addition to the space required for the signature in (a)4 above;

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

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

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

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

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

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

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

13:37-7.8 Certification by endorsement

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

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

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

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

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

13:37-7.10 Practice as registered professional nurse

Nothing in N.J.S.A. 45:11-45 et seq. or this subchapter shall be construed to limit, preclude or otherwise interfere with the practice of nursing as defined by N.J.S.A. 45:11-23 by persons duly licensed as a registered professional nurse in this State, provided that such duties are consistent with the accepted standards of nursing and said registered professional nurse is not represented as a nurse practitioner/clinical nurse specialist.

13:37-7.11 Categories of advanced practice

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

1. Adult Health;
2. Family;
3. Pediatric;
4. School;
5. Gerontological;
6. Women's Health;
7. OB/GYN;

8. Neonatal;
9. Psychiatric/Mental Health;
10. Community Health;
11. Perinatal;
12. Maternal/child; and
13. Oncology.

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

13:37-7.12 (Reserved)

Repealed by R.1995 d.88, effective February 21, 1995.
See: 26 N.J.R. 4731(a), 27 N.J.R. 728(a).
Section was "Reporting".

SUBCHAPTERS 8 THROUGH 12. (RESERVED)

SUBCHAPTER 13. NURSE ANESTHETISTS

13:37-13.1 Nurse anesthetist practice

(a) The conditions for practice as a nurse anesthetist in this State shall be as follows:

1. Current licensure as a registered professional nurse in the State of New Jersey;
2. Graduation from a program in nurse anesthesia accredited by the Council on Accreditation of Nurse Anesthesia Educational Programs of the American Association of Nurse Anesthetists or such other accrediting body as approved by the Board;
3. Passing the certifying examination administered by the Council on Certification of Nurse Anesthetists of the American Association of Nurse Anesthetists or such other certifying body as approved by the Board;
4. Maintenance of full recertification which shall be obtained on a biennial basis from the Council on Recertification of Nurse Anesthetists of the American Association of Nurse Anesthetists, and compliance with all of its current recertification requirements; and
5. Compliance with (b) below and with the reporting requirements of N.J.A.C. 13:37-8.3.

(b) A nurse anesthetist shall only practice at a location which has established written policies and procedures which meet minimum accepted standards of nurse anesthesia practice and the standards of the American Association of Nurse

Anesthetists. A nurse anesthetist shall comply with said policies and procedures and shall ensure that they are reviewed annually, revised as necessary and that they address at least the following areas: verification of qualifications; continuing education; delineation of the responsibilities of all personnel; anesthetic agents which may be administered and under what conditions and/or supervision; pre-anesthesia evaluation; patient preparation; intra-operative monitoring; post-operative monitoring; peri-operative documentation (pre/intra/post-operative); administration and documentation of medications; responsibilities of all personnel for assuring that anesthesia supplies and equipment are available and in working order; and patient emergencies.

Amended by R.1993 d.306, effective June 21, 1993.
See: 24 N.J.R. 4020(a), 25 N.J.R. 2695(a).
Amended by R.1995 d.88, effective February 21, 1995.
See: 26 N.J.R. 4731(a), 27 N.J.R. 728(a).

13:37-13.2 Practice pending the results of the examination

(a) Pending the results of the first scheduled certifying examination following completion of an approved program in nurse anesthesia, a graduate nurse anesthetist who meets the requirements of N.J.A.C. 13:37-13.1(a)1 and 2 may practice as a nurse anesthetist under the direct supervision of a certified registered nurse anesthetist or qualified physician-anesthesiologist unless otherwise prohibited by State law or regulation. For the purpose of this subsection direct supervision shall mean the physical presence of said supervisor within the immediately accessible area, unit or suite in which anesthesia is being administered.

(b) A nurse anesthetist who fails to apply and sit for or fails to pass the first scheduled certifying examination following completion of an approved program in nurse anesthesia shall not continue to practice after the date of said examination.

Amended by R.1993 d.306, effective June 21, 1993.
See: 24 N.J.R. 4020(a), 25 N.J.R. 2695(a).

SUBCHAPTER 14. HOMEMAKER-HOME HEALTH AIDES

13:37-14.1 Purpose and scope

(a) The rules in this subchapter are designed to protect the health and safety of the public through certification of homemaker-home health aides, pursuant to N.J.S.A. 45:11-24(d)(20).

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

13:37-14.2 Definitions

The following words and terms, as used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Activities of daily living” means the functions or tasks for self-care which are performed either independently or with supervision or assistance. Activities of daily living include at least mobility, transferring, walking, grooming, bathing, dressing and undressing, eating, and toileting.

“Homemaker-home health aide” means a person who is employed by a home care services agency and who, under supervision of a registered professional nurse, follows a delegated nursing regimen or performs tasks which are delegated consistent with the provisions of N.J.A.C. 13:37-6.2.

“Program coordinator” means the nurse responsible for the training program curriculum.

“Program sponsor” means the agency, hospital or educational institution or entity granted approval by the Board of Nursing to conduct a homemaker-home health aide training program.

13:37-14.3 Duties of a homemaker-home health aide; supervision

(a) The duties of a homemaker-home health aide may include, but not be limited to, providing personal care and homemaking services essential to the patient’s health care and comfort at home, including shopping, errands, laundry, meal planning and preparation (including therapeutic diets), serving of meals, child care and assisting the patient with activities of daily living.

(b) A homemaker-home health aide shall not administer medications.

(c) The registered professional nurse who is supervising a homemaker-home health aide shall ensure that the patient care provided by the homemaker-home health aide does not exceed the tasks and procedures which the homemaker-home health aide has satisfactorily demonstrated, as documented by the registered professional nurse.

13:37-14.4 Homemaker-home health aide training program

(a) A homemaker-home health aide training program may be conducted by a home care agency licensed by the Division of Consumer Affairs; a home health agency or hospital licensed by the Department of Health; an educational institution approved by the New Jersey State Department of Education or the Department of Higher Education; or a home care agency accredited by an independent national or state accrediting body which is without direct or indirect financial interest in the agency. Said accrediting body shall have prior approval of the Board of Nursing.

(b) A homemaker-home health aide training program shall consist of at least 76 hours, to include 60 hours of classroom instruction and 16 hours of clinical instruction in a skills laboratory or patient care setting. The student-to-instructor ratio for classroom instruction shall not exceed 30 students to one classroom instructor.

(c) The 16 hours of clinical instruction in a skills laboratory or patient care setting shall be supervised by a registered professional nurse. The supervision ratio shall not exceed 10 homemaker-home health aides to one registered professional nurse.

(d) The curriculum for a homemaker-home health aide training program shall include the activities described in N.J.A.C. 13:37-14.3 and shall be consistent with the laws governing the practice of nursing and the delegation of selected tasks by the registered professional nurse.

(e) Written approval of the Board of Nursing is required prior to commencement of the training program, which approval shall be granted for a 12-month period.

(f) At the discretion of the Board, program approval may be contingent upon a visit to the program site by a representative of the Board.

(g) The Board may deny or revoke program approval if the program sponsor does not meet the standards set forth in this subchapter.

13:37-14.5 Program sponsor; responsibilities

(a) The program sponsor shall provide an appropriately equipped classroom and skills laboratory with sufficient equipment and resources to provide for efficient and effective theoretical and clinical learning experiences.

(b) The program sponsor shall submit the following to the Board of Nursing at least two months prior to the commencement of the training program:

1. A Board of Nursing application for program approval. The application form requests the name and address of the agency or school, course offering dates and location, tentative number of trainees and name and address of program coordinator. Two supplemental forms which must accompany the application are a faculty approval application which requests the name of the instructor assigned to each session and an instructor personnel record which requests brief biographical and educational information for each instructor;

2. The annual program approval fee for each location at which the program will be offered, as set forth in N.J.A.C. 13:37-12.1(c)1; and

3. Resume(s) of nursing instructor(s). The resume shall include the instructor's name, address, education (institution, type of degree or diploma, month and year of graduation), work experience (employer's name and address, dates of employment, including month and year, job title, whether full-time or part-time), and New Jersey license or certification number, as appropriate.

(c) The program sponsor shall not, without prior notice to and approval by the Board, make additions to or deletions from a training program which has been approved by the Board of Nursing.

(d) The program sponsor shall notify the Board of Nursing, at least two weeks prior to each program session, of the location and the beginning and ending dates of the program session.

(e) Except in an emergency situation, the program sponsor shall notify the Board of Nursing in writing of any program session cancellation or change, such as a change in location, nursing instructor or dates, at least one week prior to any such cancellation or change. No cancellation or change shall be implemented without the written approval of the Board.

(f) The program sponsor's responsibilities shall include, but not be limited to, the following:

1. Establishing and implementing policies and procedures for the coordination of instruction, including designating a responsible program manager;

2. Maintaining on file a copy of the lesson plan for the curriculum;

3. Establishing methods or provisions to ensure that an absent student receives the required classroom and/or clinical instruction missed;

4. Establishing and maintaining records for each student. The student record shall include, at a minimum, the following:

- i. The beginning and ending dates of the program session;

- ii. An attendance record, including the dates of any makeup sessions; and

- iii. Evaluation of the student's performance by the classroom instructor and by the registered professional nurse who supervised the student's clinical instruction; and

5. Developing, implementing and maintaining on file a plan for evaluating the effectiveness of the program. The evaluation plan shall include, at a minimum, the following:

- i. The name of the person responsible for implementing the evaluation plan;

- ii. An annual written training program evaluation report, including findings, conclusions and recommendations;

- iii. A written evaluation of instructor(s) performance;

- iv. Program, faculty and student data, which shall include, at a minimum, the following:

- (1) The beginning and ending dates of each program session;

- (2) The number of students enrolled;

- (3) The number and percentage of students who satisfactorily completed the program;

- (4) The number and percentage of students who failed the program;

- (5) The number and percentage of students in each program who passed the New Jersey Homemaker-Home Health Aide Certification Examination; and

- (6) The number and percentage of students in each program who failed the New Jersey Homemaker-Home Health Aide Certification Examination.

(g) The program sponsor shall not use the homemaker-home health aide training program as a substitute for staff orientation or staff continuing education programs.

13:37-14.6 Program coordinator; responsibilities

(a) The homemaker-home health aide training program shall be coordinated by a registered professional nurse licensed in New Jersey with:

1. A minimum of a bachelor's degree in nursing; and

2. At least two years of full-time or full-time equivalent experience as a registered professional nurse within the five-year period immediately preceding application, one year of which shall have been in community health, public health or home care.

(b) The program coordinator's responsibilities shall include, but not be limited to, the following:

1. Ensuring that the curriculum is coordinated and implemented in accordance with this subchapter.

2. Establishing job descriptions indicating the responsibilities of each instructor;

3. Ensuring that each instructor meets the qualifications specified in N.J.A.C. 13:37-14.7;

4. Ensuring that the program sponsor has available the resume of each instructor;

5. Ensuring that each student is supervised by a registered professional nurse during the student's clinical experience;

6. Ensuring that the registered professional nurse supervising the student evaluates the student's clinical performance and transmits the results of the evaluation to the classroom nursing instructor; and

7. Ensuring that patient care provided during the training period by the student is provided in a safe and competent manner and that the tasks and procedures delegated to the student in accordance with N.J.A.C. 13:37-6.2 do not exceed the tasks and procedures which the student has satisfactorily demonstrated as documented by the registered professional nurse.

(c) Program coordinators who do not have a bachelor's degree in nursing but who are otherwise bachelor's or master's prepared and who began their employment on or before June 6, 1994 may qualify for an exemption from the requirements of subsection (a) subject to Board approval.

13:37-14.7 Program instructor; responsibilities

(a) Except as set forth in (c) below, classroom instruction shall be provided by:

1. A registered professional nurse licensed in New Jersey with at least two years of full-time or full-time equivalent experience as a registered professional nurse within the five-year period immediately preceding application, one year of which shall have been in community health, public health or home care; or

2. A registered professional nurse who meets the qualifications set forth in (a)1 above and a multidisciplinary team of individuals which may include, but not be limited to, a registered dietician, licensed social worker, licensed psychologist, licensed physical therapist, mental health consultant, licensed speech-language pathologist, public health nurse, home economist, occupational therapist, and/or member of the clergy.

(b) Except as set forth in (c) below, supervised clinical experience shall be provided to the student by a registered professional nurse with:

1. At least two years of full-time or full-time equivalent experience as a registered professional nurse within the five-year period immediately preceding application, one year of which shall have been in community health, public health or home care; and

2. At least six months of full-time or full-time equivalent experience in the supervision of homemaker-home health aides.

(c) Program instructors who began their employment on or before June 6, 1994 and who have been previously approved by the Board may qualify for an exemption from the requirements of (a) and (b) above.

(d) The program instructor's responsibilities shall include, but not be limited to, the following:

1. Developing a lesson plan for each content area prior to the starting date of the program. The lesson plan shall include:

- i. The behavioral objective(s) of the lesson;
- ii. The content of the lesson;
- iii. A description of clinical activities for each lesson;
- iv. The hours of instruction; and
- v. Method(s) of presentation and teacher strategies;

2. Developing and implementing criteria for evaluating the classroom and clinical performance of students; and

3. Developing and implementing criteria to determine whether a student has satisfactorily completed the training program.

13:37-14.8 Homemaker-home health aides; training program requirement

Every applicant for certification as a homemaker-home health aide in this State shall be required to complete a training program approved by the Board of Nursing, except as provided in N.J.A.C. 13:37-14.11 and 14.13. The applicant shall have completed the training program no later than four months after commencing the program.

13:37-14.9 Application for certification; documents required

(a) An applicant for certification as a homemaker-home health aide shall submit the following to the Board:

1. Evidence of satisfactory completion of a homemaker-home health aide training program approved by the Board;

2. Evidence in such form as the Board may prescribe that the applicant is of good moral character, is not a habitual user of controlled substances and has never been convicted of or pleaded nolo contendere, non vult contendere or non vult to an indictment, information or complaint alleging violation of a Federal or state law; and

3. The application fee as set forth in N.J.A.C. 13:37-12.1(b).

13:37-14.10 Competency examination

(a) Upon successful completion of an approved training program, the applicant shall register for the next scheduled administration of the competency examination administered by the Board or a Board-approved testing service.

(b) The applicant may be employed by a home health care agency under the supervision of a registered professional nurse while waiting to take the next scheduled administration of the competency examination.

(c) The competency examination shall be an examination administered by the Board of Nursing or a Board-approved testing service at least four times a year.

(d) The passing score on the examination shall be established and reviewed annually by the Board.

(e) An individual who fails the competency examination may retake the examination provided that he or she registers for the next scheduled administration of the examination.

(f) An individual awaiting the next scheduled administration of the examination in accordance with (e) above may continue to be employed by a home health care agency under the supervision of a registered professional nurse.

(g) If the individual fails in the second attempt to pass the examination, he or she shall successfully complete another homemaker-home health aide training program approved by the Board before taking the examination again. This individual shall not be employed as a homemaker-home health aide until he or she passes the examination.

(h) Upon application to the Board, an individual may satisfy the examination requirement for certification as a homemaker-home health aide by passing an oral competency evaluation in English or Spanish.

13:37-14.11 Waiver of training program requirement

Current nursing students who have successfully completed a course in fundamentals/basic nursing may take the competency examination without first completing an approved training program.

13:37-14.12 Initial certification and renewal

(a) An individual who passes the competency examination may be eligible for certification by the Board as a homemaker-home health aide.

(b) Certification shall be renewed on a biennial basis unless disciplinary action against the certified person has been instituted by the Board.

13:37-14.13 Certification by endorsement

An individual certified as a homemaker-home health aide in another state who can verify successful completion of an equivalent homemaker-home health aide program and competency examination may be eligible for certification by endorsement.

13:37-14.14 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).