

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by Examination for Foreign Nurses; Subchapter 5, Licensure by Endorsement, and Subchapter 12, Fee Schedule, were repealed and new rules for Subchapters 2, 3, 4, and 5 were adopted, effective February 21, 1995.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).

CHAPTER TABLE OF CONTENTS

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
- 13:37-1.2 Eligibility for accreditation
- 13:37-1.3 Criteria for granting and withdrawing accreditation
- 13:37-1.4 Conditional accreditation
- 13:37-1.5 (Reserved)
- 13:37-1.6 Probation
- 13:37-1.7 Plans of organization and administration
- 13:37-1.8 Program philosophy and objectives
- 13:37-1.9 Qualifications of program administrator
- 13:37-1.10 Faculty qualifications
- 13:37-1.11 Required number of faculty
- 13:37-1.12 Development and implementation of nursing program
- 13:37-1.13 Curriculum organization and content
- 13:37-1.14 Changes in nursing programs
- 13:37-1.15 Required educational and administrative resources
- 13:37-1.16 Clinical affiliates

- 13:37-1.17 Criteria for student admission, promotion, retention and completion of the program
- 13:37-1.18 Program recordkeeping and reporting requirements
- 13:37-1.19 Program termination or suspension

SUBCHAPTER 2. LICENSURE BY EXAMINATION; PROFESSIONAL AND PRACTICAL NURSES

- 13:37-2.1 Eligibility requirements
- 13:37-2.2 Board approved licensing examination
- 13:37-2.3 Application requirements; professional and practical nurses
- 13:37-2.4 Application requirements; graduates of foreign nursing programs
- 13:37-2.5 Forensic nurse sexual assault examiner: training requirements

SUBCHAPTER 3. PRACTICE AS A GRADUATE NURSE

- 13:37-3.1 Qualifications to practice as a graduate professional or practical nurse
- 13:37-3.2 Approved settings for graduate nurse practice

SUBCHAPTER 4. LICENSURE BY ENDORSEMENT; PROFESSIONAL AND PRACTICAL NURSES

- 13:37-4.1 Eligibility requirements
- 13:37-4.2 Examination scores; professional nurses
- 13:37-4.3 Application requirements; licensure by endorsement

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

- 13:37-5.1 License requirement
- 13:37-5.2 Responsibilities of dual licensure
- 13:37-5.3 Notification of change of address
- 13:37-5.4 Reporting of unlawful conduct
- 13:37-5.5 Self-reporting
- 13:37-5.6 Biennial license renewal
- 13:37-5.7 Reinstatement
- 13:37-5.8 Fee schedule

SUBCHAPTER 6. NURSING PROCEDURES

- 13:37-6.1 Nursing procedures
- 13:37-6.2 Delegation of selected nursing tasks
- 13:37-6.3 (Reserved)
- 13:37-6.4 Identification tags

SUBCHAPTER 7. CERTIFICATION OF NURSE PRACTITIONERS/CLINICAL NURSE SPECIALISTS

- 13:37-7.1 Application for certification
- 13:37-7.2 Educational requirements for certification
- 13:37-7.3 Examination requirements for certification
- 13:37-7.4 Educational and examination certification requirements in the area of OB/GYN and women's health
- 13:37-7.5 Biennial certification renewal
- 13:37-7.6 Prescriptive practice
- 13:37-7.7 Requirements for issuing prescriptions and orders; dispensing medications
- 13:37-7.8 Certification by endorsement
- 13:37-7.9 Requirements for nurse practitioner/clinical nurse specialists certified pursuant to N.J.S.A. 45:11-48
- 13:37-7.10 Practice as registered professional nurse
- 13:37-7.11 Categories of advanced practice

SUBCHAPTERS 8 THROUGH 12. (RESERVED)

SUBCHAPTER 13. NURSE ANESTHETISTS

- 13:37-13.1 Nurse anesthetist practice
- 13:37-13.2 Practice pending the results of the examination

SUBCHAPTER 14. HOMEMAKER-HOME HEALTH AIDES

13:37-14.1	Purpose and scope
13:37-14.2	Definitions
13:37-14.3	Duties of a homemaker-home health aide; supervision
13:37-14.4	Homemaker-home health aide training program
13:37-14.5	Program sponsor; responsibilities
13:37-14.6	Program coordinator; responsibilities
13:37-14.7	Program instructor; responsibilities
13:37-14.8	Homemaker-home health aides; training program requirement
13:37-14.9	Application for certification; documents required
13:37-14.10	Competency examination
13:37-14.11	Waiver of training program requirement
13:37-14.12	Initial certification and renewal
13:37-14.13	Certification by endorsement
13:37-14.14	Duties and powers of the Board

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.

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.
Sec: 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- 5.8(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.

Amended by R.1999 d.49, effective February 1, 1999.
See: 30 N.J.R. 3602(a), 31 N.J.R. 443(a).
In (a)2, changed N.J.A.C. reference.

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.

13:37-2.5 Forensic nurse sexual assault examiner: training requirements

A registered nurse licensed by the Board or a nurse practitioner/clinical nurse specialist certified by the Board who wishes to qualify as a forensic nurse sexual assault examiner pursuant to the provisions of P.L. 1995, c.187, shall successfully complete a comprehensive course in clinical forensics focusing on the various aspects of conducting an examination and physical assessment of the sexual assault victim as well as on recognizing, collecting and documenting evidence, which course shall be approved or conducted by the Monmouth County Prosecutor's Office.

New Rule, R.1996 d.175, effective April 1, 1996.
See: 28 N.J.R. 236(a), 28 N.J.R. 1859(b).

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;
2. An initial license fee and application for licensure by endorsement fee as set forth in N.J.A.C. 13:37-5.8(a)2 and 3; and
3. 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 applicant 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.

Amended by R.1999 d.49, effective February 1, 1999.
See: 30 N.J.R. 3602(a), 31 N.J.R. 443(a).

In (a), inserted a new 2, and recodified former 2 as 3.

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, PO Box 152, Trenton, New Jersey 08625-0152 on or before March 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. 13:37-5.8.

Amended by R.1999 d.49, effective February 1, 1999.

See: 30 N.J.R. 3602(a), 31 N.J.R. 443(a).

In (d), substituted a reference to March 31 for a reference to December 31 in the first sentence, and changed N.J.A.C. reference in the second sentence.

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\$75.00
2. Initial license fee65.00
3. Application for licensure by endorsement 75.00 plus
65.00 initial license fee
set forth in (a)2 above
4. Verification for endorsement30.00
5. Renewal of license (biennial)
 - i. Active65.00
 - ii. Inactive30.00
6. Late license renewal (one to 30 days) 50.00 plus
the applicable biennial license renewal
fee set forth in (a)5 above
7. Lapsed license fee (after 30 days) 100.00 plus
the applicable biennial license renewal
fee set forth in (a)5 above
8. Duplicate license35.00
9. Written verification of licensure25.00
10. Copy of Nurse Practice Act5.00

11. Copy of L.P.N. Standards of Practice3.00

(b) The following fees shall be charged by the Board in connection with certification of homemaker-home health aides:

1. Application fee\$50.00
2. Program approval fee for each location at
which course is offered (annual)250.00
3. Instructor's Manual25.00
4. Student Manual15.00
5. Initial certification fee
 - i. If paid during the first year of a biennial
renewal period20.00
 - ii. If paid during the second year of a biennial
renewal period10.00
6. Renewal of certificate (biennial)20.00
7. Late renewal of certificate (one to 30 days) 10.00 plus
the certification renewal fee
set forth in (b)6 above
8. Lapsed certification fee (after 30 days) 20.00 plus
the certification renewal fee
set forth in (b)6 above
9. Duplicate certificate10.00
10. Application for certification by endorsement 30.00 plus
the applicable initial certification
fee set forth in (b)5 above

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

1. Application fee\$100.00
2. Initial certification fee
 - i. If paid during the first year of a biennial
renewal period100.00
 - ii. If paid during the second year of a biennial
renewal period50.00
3. Renewal of certification (biennial)100.00
4. Application for certification by endorsement 100.00 plus
the applicable initial certification
fee set forth in (c)2 above
5. Late renewal of certificate (one to 30 days) 75.00 plus
the certification renewal fee
set forth in (c)3 above
6. Lapsed certification fee (after 30 days) 100.00 plus
the certification renewal fee
set forth in (c)3 above
7. Duplicate certificate35.00

Amended by R.1996 d.127, effective March 4, 1996.

See: 27 N.J.R. 4496(a), 28 N.J.R. 1394(a).

Amended by R.1999 d.49, effective February 1, 1999.

See: 30 N.J.R. 3602(a), 31 N.J.R. 443(a).

Rewrote the section.

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 competency 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).

13:37-6.3 (Reserved)

13:37-6.4 Identification tags

(a) Each licensee or certificate holder shall wear an identification tag when engaging in the practice for which the individual is licensed or certified. The identification tag shall be clearly visible at all times, and such tag shall bear the first name or initial, the full surname and the term reflecting the individual's level of licensure or certification, for example, Registered Nurse or R.N. The letters on the tag shall be of equal size in type, not smaller than one-quarter inch. The size of the identification tag shall be equal to or greater than that of any other identification worn by the licensee or certificate holder.

(b) Where a general hospital requires a facility staff member who is a licensee or a certificate holder to wear an identifying badge pursuant to P.L. 1997, c.76 (N.J.S.A. 26:2H-12.8a), that staff member need only wear only one identification badge, as long as the badge meets requirements of both P.L. 1997, c.76 (N.J.S.A. 26:2H-12.8a) and (a) above.

(c) In order to protect his or her personal safety or to prevent the substantial invasion of his or her privacy, or to prevent the identification tag from causing physical harm to the patient, a licensee or certificate holder may request an exemption from the requirements of (a) above. Such requests for an exemption shall be made by the licensee or certificate holder in writing to the Board and shall set forth the reasons why wearing the tag would endanger the licensee's or the certificate holder's personal safety, substantially invade the licensee's or the certificate holder's privacy or physically harm a patient.

(d) The exemption set forth in (c) above shall not apply to those facility staff members in a general hospital, where such general hospital requires a facility staff member to wear an identifying badge pursuant to P.L. 1997, c.76 (N.J.S.A. 26:2H-12.8a).

New Rule, R.1999 d.406, effective December 6, 1999.
See: 31 N.J.R. 1895(a), 31 N.J.R. 4074(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. 13:37-5.8(c)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.

Amended by R.1999 d.49, effective February 1, 1999.
See: 30 N.J.R. 3602(a), 31 N.J.R. 443(a).
In (b)2, changed N.J.A.C. reference.

Amended by R.1999 d.49, effective February 1, 1999.

See: 30 N.J.R. 3602(a), 31 N.J.R. 443(a).

Inserted a new second sentence.

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.

(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.