

CHAPTER 37

NEW JERSEY BOARD OF NURSING

Authority

N.J.S.A. 45:11-24, 45:11-67 and 52:14B-5.1.

Source and Effective Date

R.2005 d.251, effective July 6, 2005.
See: 37 N.J.R. 208(a), 37 N.J.R. 2885(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 37, New Jersey Board of Nursing, expires on January 2, 2011. See: 42 N.J.R. 1481(a).

Chapter Historical Note

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

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

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

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

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

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

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by Examination for Foreign Nurses, Subchapter 5, Licensure by Endorsement, and Subchapter 12, Fee Schedule, were repealed and Subchapter 2, Licensure by Examination; Professional and Practical Nurses, Subchapter 3, Practice as a Graduate Nurse, Subchapter 4, Licensure by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

Pursuant to Executive Order No. 66(1978), Chapter 37, New Jersey Board of Nursing, was readopted by R.2000 d.55, effective January 13, 2000, and Subchapter 3, Practice as a Graduate Nurse, was repealed by R.2000 d.55, effective February 7, 2000. See: 31 N.J.R. 3988(a), 32 N.J.R. 450(a).

Subchapter 8, Nursing Practice, was adopted by R.2004 d.82, effective February 24, 2004. See: 35 N.J.R. 502(a), 36 N.J.R. 960(a). Subchapter 9, Sexual Assault Nurse Examiner Program, was adopted by R.2004 d.114, effective March 15, 2004 (operative July 13, 2004). See: 35 N.J.R. 1195(a), 36 N.J.R. 1407(a). Subchapter 16, Massage, Bodywork and Somatic Therapy Examining Committee, was adopted by R.2004 d.432, effective November 15, 2004. See: 35 N.J.R. 4819(a), 36 N.J.R. 5133(a).

Chapter 37, New Jersey Board of Nursing, was readopted by R.2005 d.251, effective July 6, 2005. See: Source and Effective Date. See, also, section annotations.

Subchapter 7, Certification of Nurse Practitioners/Clinical Nurse Specialists, was renamed Certification of Advanced Practice Nurses by R.2008 d.160, effective June 16, 2008. See: 39 N.J.R. 1991(b), 40 N.J.R. 3729(a).

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SUBCHAPTER 1. PROGRAMS IN NURSING EDUCATION

13:37-1.1 Eligibility for accreditation

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

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

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

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

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

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

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

istered Nurses (NCLEX-RN) or the National Council Licensure Examination for Practical Nurses (NCLEX-PN).

(b) 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, consisting of 30 hours and conducted by a qualified instructor within the meaning of N.J.A.C. 13:37-1.7. The remediation course shall be completed within one year prior to taking the fourth examination. An applicant who fails the fourth examination may retake the examination two more times before being required to take the remediation course again.

Amended by R.2000 d.55, effective February 7, 2000.
See: 31 N.J.R. 3988(a), 32 N.J.R. 450(a).

Rewrote the section.

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

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

In (b), substituted "13:37-1.7" for "13:37-1.10".

13:37-2.2 Application requirements; professional and practical nurses

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

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

2. The nonrefundable application fee set forth in N.J.A.C. 13:37-5.5(a) 1; and

3. A written certification from the registrar, or program administrator authorized by the registrar, attesting that the applicant has successfully completed all requirements for graduation from a Board-accredited registered professional nursing program or a Board-accredited licensed practical nursing program. The certification shall indicate the date of graduation or the date the degree or diploma was 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.

Recodified from N.J.A.C. 13:37-2.3 and amended by R.2000 d.55, effective February 7, 2000.

See: 31 N.J.R. 3988(a), 32 N.J.R. 450(a).

Rewrote the section. Former N.J.A.C. 13:37-2.2, Board approved licensing examination, repealed.

Amended by R.2008 d.138, effective June 2, 2008.

See: 39 N.J.R. 2476(a), 40 N.J.R. 3318(a).

Deleted (b).

13:37-2.3 Application requirements; graduates of foreign nursing programs

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

1. A completed licensure application for graduates of foreign nursing program, which contains information concerning the applicant's educational and experiential background;

2. A transcript review performed by the Commission on Graduates of Foreign Nursing Schools (CGFNS);

3. Proof that the applicant has achieved a passing score on the Test of English as a Foreign Language (TOEFL) examination, the International English Language Testing System (IELTS) examination or the Test of English in International Communications (TOEIC) examination, within the past two years; and

4. The application fee set forth in N.J.A.C. 13:37-5.5(a)2.

(b) A graduate of a foreign licensed practical nursing program who has not taken courses in medical, surgical, pediatric, obstetric or psychiatric nursing shall complete a course in a licensed practical nursing program in the area(s) of deficiency offered by a practical nursing education program approved by the State Department of Education or by the Board pursuant to N.J.A.C. 13:37-1.

(c) Any applicant who obtained his or her credentials, such as transcripts, licenses or certificates, through fraud, deception, misrepresentation, false promise or false pretense shall not be eligible to take the examination or for licensure.

Recodified from N.J.A.C. 13:37-2.4 and amended by R.2000 d.55, effective February 7, 2000.

See: 31 N.J.R. 3988(a), 32 N.J.R. 450(a).

Rewrote the section. Former N.J.A.C. 13:37-2.3, Application requirements; professional and practical nurses, recodified to N.J.A.C. 13:37-2.2.

Amended by R.2006 d.160, effective May 1, 2006.

See: 37 N.J.R. 1920(a), 38 N.J.R. 1840(a).

Rewrote (a)1-(a)4.

Amended by R.2010 d.004, effective January 4, 2010.

See: 41 N.J.R. 95(a), 42 N.J.R. 72(a).

Rewrote (a)3.

SUBCHAPTER 3. (RESERVED)

Subchapter Historical Note

Petition for Rulemaking regarding repealed Subchapter 3, Practice as a Graduate Nurse. See: 32 N.J.R. 2623(a), 32 N.J.R. 3500(a), 32 N.J.R. 4019(b), 32 N.J.R. 4480(a).

SUBCHAPTER 4. LICENSURE BY ENDORSEMENT; PROFESSIONAL AND PRACTICAL NURSES

13:37-4.1 Eligibility requirements for licensure by endorsement

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

Repeal and New Rule, R.2004 d.327, effective August 16, 2004.

See: 35 N.J.R. 3752(a), 36 N.J.R. 3884(a).

Section was "Eligibility requirements".

Amended by R.2008 d.138, effective June 2, 2008.

See: 39 N.J.R. 2476(a), 40 N.J.R. 3318(a).

Deleted (b).

13:37-4.2 Application requirements for licensure by endorsement

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

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

2. A non-refundable initial license fee and application for licensure by endorsement fee as set forth in N.J.A.C. 13:37-5.5(a)2 and 3; and

3. Written or electronic verification of status of licensure from every state, territory or possession of the United States, or the District of Columbia, in which the applicant was ever licensed. The verification shall either be forwarded directly to the Board from the applicable state board, if written, or if electronic, be issued by the applicable state board.

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

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

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

Recodified from N.J.A.C. 13:37-4.3 and amended by R.2004 d. 327, effective August 16, 2004.

See: 35 N.J.R. 3752(a), 36 N.J.R. 3884(a).

Rewrote the section.

13:37-4.3 (Reserved)

Repealed by R.2004 d.327, effective August 16, 2004.

See: 35 N.J.R. 3752(a), 36 N.J.R. 3884(a).

Section was "Application requirements; licensure by endorsement".

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

13:37-5.1 License requirement

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

Amended by R.2000 d.55, effective February 7, 2000.

See: 31 N.J.R. 3988(a), 32 N.J.R. 450(a).

Rewrote the section.

13:37-5.2 Biennial license renewal

(a) Licenses shall be renewed biennially on a form provided by the Board.

(b) The Board shall send a notice of renewal to each licensee at the address registered with the Board, at least 60 days prior to the expiration of the license. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for failure to renew.

(c) The licensee shall submit the renewal application and pay the renewal fee pursuant to N.J.A.C. 13:37-5.5(a)6 prior to the date of expiration of the license. If the licensee does not renew the license prior to its expiration date, the license shall expire, but the licensee may renew it no later than 30 days after its expiration date by submitting a renewal application and paying a renewal fee and a late fee pursuant to N.J.A.C. 13:37-5.5(a)6 and 7. A licensee who fails to renew the license within 30 days after the expiration date of the license shall be administratively suspended without a hearing.

(d) Individuals who continue to hold themselves out as licensed after being administratively suspended shall be deemed to have violated N.J.A.C. 13:37-5.1, even if no notice of suspension has been received by the person at the address registered with the Board.

(e) A person seeking reinstatement within five years following an administrative suspension of a license pursuant to (c) above shall submit the following to the Board:

1. A completed reinstatement application;

2. Payment of all past delinquent renewal fees as set forth in N.J.A.C. 13:37-5.5(a)6;

3. Payment of a reinstatement fee as set forth in N.J.A.C. 13:37-5.5(a)8;

4. A certification verifying completion of the continuing education hours required pursuant to N.J.A.C. 13:37-5.3 for the renewal of a license; and

5. An affidavit of employment listing each job held during the period of suspension, which includes the names, addresses, and telephone numbers of each employer.

(f) A person seeking reinstatement after more than five years following the administrative suspension of a license shall:

1. Reapply for licensure by fulfilling all of the initial licensure requirements found at N.J.A.C. 13:37-2.1; and

2. Successfully complete a refresher course consisting of 30 hours of didactic and clinical education conducted by a qualified instructor within the meaning of N.J.A.C. 13:37-1.7.

(g) Renewal applications for all licenses shall provide the licensee with the option of either active or inactive status. Licensees may choose paid or unpaid inactive status. The Board shall send any communications it sends to active licensees to licensees on paid inactive status. Licensees elect-

(j) Registered professional nurses and licensed practical nurses whose licenses expire on May 31, 2006 shall comply with the requirements of (a) through (e) above commencing with the 2008 renewal of licensure. Registered professional nurses and licensed practical nurses whose licenses expire on May 31, 2007 shall comply with the requirements of (a) through (i) above commencing with the 2009 renewal of licensure.

New Rule, R.2006 d.156, effective May 1, 2006.
 See: 37 N.J.R. 1921(a), 38 N.J.R. 1844(a).
 Amended by R.2008 d.379, effective December 15, 2008.
 See: 40 N.J.R. 1760(a), 40 N.J.R. 6989(a).
 Rewrote (d)1; added new (d)2 and (d)3; recodified former (d)2 through (d)12 as (d)4 through (d)14; and rewrote (d)4.
 Amended by R.2010 d.004, effective January 4, 2010.
 See: 41 N.J.R. 95(a), 42 N.J.R. 72(a).
 Added new (d)2; and recodified former (d)2 through (d)14 as (d)3 through (d)15.

13:37-5.4 (Reserved)

New Rule, R.2000 d.55, effective February 7, 2000.
 See: 31 N.J.R. 3988(a), 32 N.J.R. 450(a).
 Former N.J.A.C. 13:37-5.4, Reporting of unlawful conduct, repealed.
 Amended by R.2006 d.156, effective May 1, 2006.
 See: 37 N.J.R. 1921(a), 38 N.J.R. 1844(a).
 Designated the former first through third sentences as (a); designated the former last sentence as (b); and added the last sentence in (b).
 Repealed by R.2008 d.139, effective June 2, 2008.
 See: 39 N.J.R. 2585(a), 40 N.J.R. 3318(b).
 Section was "Categories of licenses".

13:37-5.5 Fee schedule

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

1. Application fee..... \$75.00
2. Application fee for graduates of foreign nursing programs..... \$100.00
3. Initial license fee 120.00
4. Application for licensure by endorsement 75.00 plus initial license fee set forth in (a)2 above
5. Verification for endorsement..... 30.00
6. Renewal of license (biennial)
 - i. Active..... 120.00
 - ii. Inactive..... 60.00
7. Late license renewal (one to 30 days)..... 50.00 plus the applicable biennial license renewal fee set forth in (a)6 above
8. Reinstatement fee 100.00
9. Duplicate license 35.00
10. Written verification of licensure..... 25.00
11. Copy of Nurse Practice Act..... 5.00
12. Alternative to Discipline surcharge 5.00

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

1. Application fee..... \$50.00
2. Program approval fee for each location at which course is offered (annual)..... 250.00
3. Instructor’s Manual..... 25.00
4. Student Manual..... 15.00
5. Initial certification fee
 - i. If paid during the first year of a biennial renewal period 30.00
 - ii. If paid during the second year of a biennial renewal period 15.00
6. Renewal of certificate (biennial)..... 30.00
7. Late renewal of certificate (one to 30 days)..... 10.00 plus the certification renewal fee set forth in (b)6 above
8. Lapsed certification fee (after 30 days)..... 20.00 plus the certification renewal fee set forth in (b)6 above
9. Duplicate certificate..... 10.00
10. Application for certification by endorsement..... 30.00 plus the applicable initial certification fee set forth in (b)5 above

(c) The following fees shall be charged by the Board in connection with certification of advanced practice nurses:

1. Application fee..... \$100.00
2. Initial certification fee
 - i. If paid during the first year of a biennial renewal period..... 160.00
 - ii. If paid during the second year of a biennial renewal period..... 80.00
3. Renewal of certification (biennial)
 - i. Active..... 160.00
 - ii. Inactive..... 80.00
4. Application for certification by endorsement..... 100.00 plus the applicable initial certification fee set forth in (c)2 above
5. Lapsed certification fee (after 30 days)..... 100.00 plus the certification renewal fee set forth in (c)3 above
6. Duplicate certificate 35.00

(d) The following fees shall be charged by the Board in connection with accreditation of nursing programs:

1. Initial accreditation application..... \$1,000
2. Renewal of accreditation without waiver 1,000
3. Renewal of accreditation with waiver 400.00

(e) The following fees shall be charged by the Board in connection with certification of forensic nurses-certified sexual assault:

1. Application fee..... \$100.00
2. Initial certification fee
 - i. If paid during the first year of a biennial renewal period 100.00
 - ii. If paid during the second year of a biennial renewal period 50.00
3. Renewal of certification (biennial)..... 100.00
4. Application for certification by endorsement..... 100.00
 Plus the applicable initial certification fee set forth in (e)2 above

(f) The following fees shall be charged by the Board in connection with certification of massage, bodywork and somatic therapists:

- 1. Application fee..... \$75.00
- 2. Initial certification fee
 - i. If paid during the first year of a biennial renewal period..... \$120.00
 - ii. If paid during the second year of a biennial renewal period..... \$60.00
- 3. Renewal of certification \$120.00
- 4. Late certification renewal..... \$50.00

Plus the applicable biennial certification renewal fee set forth in (f)3 above
- 5. Lapsed certificate fee..... \$100.00

Plus the applicable biennial certification renewal fee set forth in (f)3 above
- 6. Duplicate certificate \$35.00
- 7. Inactive license fee..... (to be established by the Committee by rule)
- 8. Verification of certification for endorsement \$30.00
- 9. Written verification of certification \$25.00

Amended by R.1996 d.127, effective March 4, 1996.
 See: 27 N.J.R. 4496(a), 28 N.J.R. 1394(a).
 Amended by R.1999 d.49, effective February 1, 1999.
 See: 30 N.J.R. 3602(a), 31 N.J.R. 443(a).
 Rewrote the section.
 Recodified from N.J.A.C. 13:37-5.8 by R.2000 d.55, effective February 7, 2000.
 See: 31 N.J.R. 3988(a), 32 N.J.R. 450(a).
 Former N.J.A.C. 13:37-5.5, Self-reporting, repealed.
 Amended by R.2003 d.167, effective April 21, 2003.
 See: 34 N.J.R. 1317(a), 35 N.J.R. 1678(a).
 Added (d).
 Amended by R.2004 d.114, effective March 15, 2004 (operative July 13, 2004).
 See: 35 N.J.R. 1195(a), 36 N.J.R. 1407(a).
 Added (e).
 Amended by R.2004 d.432, effective November 15, 2004.
 See: 35 N.J.R. 4819(a), 36 N.J.R. 5133(a).
 Added (f).

Amended by R.2006 d.117, effective March 20, 2006.
 See: 37 N.J.R. 4179(a), 38 N.J.R. 1461(a).
 In (a), (b) and (c), increased fees throughout; deleted (a)11.
 Amended by R.2006 d.160, effective May 1, 2006.
 See: 37 N.J.R. 1920(a), 38 N.J.R. 1840(a).
 Added new (a)2; recodified former (a)2 through (a)10 as (a)3 through (a)11.
 Administrative correction.
 See: 38 N.J.R. 2834(d).
 Amended by R.2007 d.138, effective May 7, 2007.
 See: 38 N.J.R. 4397(a), 39 N.J.R. 1757(a).
 Added (f)9 and (f)10.
 Amended by R.2008 d.55, effective March 17, 2008.
 See: 39 N.J.R. 1997(a), 40 N.J.R. 1677(a).
 In (e), substituted "forensic nurses-certified sexual assault" for "sexual assault nurse examiners".
 Amended by R.2008 d.102, effective April 21, 2008.
 See: 40 N.J.R. 91(a), 40 N.J.R. 2117(b).
 Added (a)12.
 Amended by R.2008 d.139, effective June 2, 2008.
 See: 39 N.J.R. 2585(a), 40 N.J.R. 3318(b).
 In (a)7, substituted "(a)6" for "(a)5" in the second column; and rewrote (a)8.
 Amended by R.2008 d.160, effective June 16, 2008.
 See: 39 N.J.R. 1991(b), 40 N.J.R. 3729(a).
 In the introductory paragraph of (c), substituted "advanced practice nurses" for "nurse/practitioners/clinical nurse specialists"; in the introductory paragraph of (c)3, deleted the fee; added (c)3i and (c)3ii; deleted former (c)5; and recodified former (c)6 and (c)7 as (c)5 and (c)6.
 Amended by R.2009 d.259, effective August 17, 2009.
 See: 40 N.J.R. 6757(a), 41 N.J.R. 3093(a).
 Deleted former (f)6; and recodified former (f)7 through (f)10 as (f)6 through (f)9.

13:37-5.6 Responsibilities of licensure

A licensee shall be held to the level of practice associated with his or her licensure, either as a registered professional nurse or licensed practical nurse, regardless of his or her employment status. For example, when a registered professional nurse is employed as a licensed practical nurse, he or she will be held to the standards of a registered professional nurse.

New Rule. R.2000 d.55, effective February 7, 2000.
 See: 31 N.J.R. 3988(a), 32 N.J.R. 450(a).

Former N.J.A.C. 13:37-5.6, Biennial license renewal, repealed.

13:37-5.7 Notification of change of address

A licensee or certificant shall notify the Board in writing of any change of address from that registered with the Board and shown on the most recently issued license or certificate. This address shall not be a post office box unless there is another address on file with the Board that includes a street, city, state and zip code. Such notice shall be given no later than 30 days following the change of address. Service to the street address registered with the Board shall constitute effective notice pursuant to N.J.A.C. 13:45-3.2.

New Rule, R.2000 d.55, effective February 7, 2000.
See: 31 N.J.R. 3988(a), 32 N.J.R. 450(a).

Former N.J.A.C. 13:37-5.7, Reinstatement, repealed.
Amended by R.2005 d.251, effective August 1, 2005.
See: 37 N.J.R. 208(a), 37 N.J.R. 2885(a).

Added the second sentence; and in the last sentence, inserted "street".

13:37-5.8 Reporting of unlawful conduct

A licensee or certificant shall report to the Board any incident or series of incidents which the licensee or certificant, in good faith, believes is in violation of the Nurse Practice Act, N.J.S.A. 45:11-23, this chapter or N.J.A.C. 13:45C.

New Rule, R.2000 d.55, effective February 7, 2000.
See: 31 N.J.R. 3988(a), 32 N.J.R. 450(a).

Former N.J.A.C. 13:37-5.8, Fee schedule, recodified to N.J.A.C. 13:37-5.5.

13:37-5.9 Self-reporting

(a) A licensee or certificant shall immediately notify the Board if he or she:

1. Is incapable, for medical or any other good cause, of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare;
2. Is indicted or convicted of a crime involving moral turpitude or a crime adversely relating to his or her practice;
3. Is named as a 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;
4. Is 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. Fails to maintain or renew any certification which is required by law as a condition of practice or as a condition of license or certification renewal.

(b) Any nurse or homemaker-home health aid licensed 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 be subject to disciplinary action by the Board, provided that the Board notifies the licensee or certificant and provides an 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.

New Rule, R.2000 d.55, effective February 7, 2000.
See: 31 N.J.R. 3988(a), 32 N.J.R. 450(a).

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 Standards for joint protocols between advanced practice nurses and collaborating physicians

(a) The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

“Collaboration” means the ongoing process by which an advanced practice nurse and a physician engage in practice, consistent with agreed upon parameters of their respective practices.

“Device” means an article, other than medication, for use in the diagnosis, cure, mitigation, treatment or prevention of disease, injury, pain or deformity or physical or emotional condition or health problem in humans or intended to affect the structure or function of the human body.

“Joint protocol” means an agreement or contract between an advanced practice nurse and a collaborating physician which conforms to the standards established by the Director of the Division of Consumer Affairs pursuant to this rule.

“Medication” means any substance for which a prescription is required which is intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease, injury,

pain or deformity or physical or emotional condition or health problem in humans or intended to affect the structure or function of the human body.

(b) Advance practice nurses who seek to prescribe or order medications or devices and the collaborating physician(s) with whom they are in collaboration shall develop a joint protocol, which shall be:

1. In writing;
2. Signed by both the advanced practice nurse and the physician, with an acknowledgment that any inappropriate professional behavior or violation of the protocol on the part of either the physician or the advanced practice nurse will be reported to his or her respective licensing board;
3. Maintained on the premises of every office in which the advanced practice nurse practices;
4. Updated on an ongoing basis to reflect changes in the practice, office personnel, skills of the advanced practice nurse, frequency of record review, and reference materials containing practice guidelines or accepted standards of practice; and
5. Reviewed at least on an annual basis.

(c) The content of a joint protocol under (b) above shall address:

1. The nature of the practice, the patient population (for example, pediatric patients) and settings (for example, inpatient, nursing home, patient residences or other alternative care environments);
2. Any particular circumstances for which, prior to prescribing, a specific examination is to be performed or a definitive diagnosis made;
3. The recordkeeping methodology to be used in the practice (for example, the protocol might indicate that records should contain subjective complaints, objective findings, an assessment and a plan of treatment);
4. A list of categories of medications appropriate to the practice;
5. A delineation of specific medications and the specific number of refills, to be prescribed pursuant to the direction of the physician;
6. Specific requirements with respect to the recordation, in the patient record and/or in separate logs, of medications prescribed or dispensed, dosages, frequency, duration, instructions for use and authorizations for refills;
7. Any medical conditions or findings within the nature of the practice which should require direct consultation prior to the prescribing or ordering of medications or devices;
8. The frequency and methodology to be employed to ensure periodic review of patient records;

9. Identification of the means by which the advanced practice nurse and collaborating physician can be in direct communication, as well as a description of arrangements which will assure that the collaborating physician or peer coverage is accessible and available;

10. Procedures for the use of medications in emergency situations; and

11. Identification of reference materials containing practice guidelines or accepted standards of practice.

(d) Failure to establish and implement joint protocols consistent with the standards set forth in this section and any violation of the joint protocol by an advanced practice nurse or physician may be deemed professional misconduct or other grounds for disciplinary sanction within the meaning of N.J.S.A. 45:1-21 by his or her respective licensing board.

New Rule, R.2000 d.274, effective July 3, 2000 (operative September 1, 2000).
See: 31 N.J.R. 1459(a), 32 N.J.R. 2448(a).

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 ADVANCED PRACTICE NURSES

Subchapter Historical Note

Petition for Rulemaking. See: 35 N.J.R. 2374(a), 2754(a), 5169(a).

Public Notice. See: 41 N.J.R. 2508(b).

13:37-7.1 Application for certification

(a) Advanced practice nurses shall include those individuals who have been educated as nurse practitioners, clinical nurse specialists and certified registered nurse anesthetists.

(b) An applicant for certification as an advanced practice nurse shall complete a course of study and successfully complete an examination in an advanced practice nursing specialty credentialed by a national certifying agency, that is accredited by the American Board of Nursing Specialties and/or the National Commission for Certifying Agencies.

(c) A registered professional nurse who wishes to practice as an advanced practice nurse shall:

1. Possess a current New Jersey registered professional nurse license in good standing; and
2. Be certified by the Board as an advanced practice nurse.

(d) Each applicant for certification as an advanced practice nurse shall submit the following to the Board:

1. A completed application form;
2. Proof that the applicant has successfully completed the educational requirements of an advanced practice nurse as set forth in N.J.A.C. 13:37-7.2 or, when the advanced practice nurse specializes in anesthesia and does not hold a masters degree, the certification requirements of N.J.A.C. 13:37-7.5. The applicant shall submit to the Board a transcript showing successful completion of an advanced practice nurse program that meets the requirements of N.J.A.C. 13:37-7.2(a);
3. Proof that the applicant has successfully completed the examination requirements set forth in N.J.A.C. 13:37-7.4 within the last year prior to the date of application or, for applicants specializing in anesthesia who do not hold a masters degree, the certification requirements of N.J.A.C. 13:37-7.5. Applicants specializing in anesthesia who have successfully completed the examination requirements of N.J.A.C. 13:37-7.4 need not show that they have completed that examination within the last year if they apply between June 16, 2008 and June 16, 2009;

4. Proof that the applicant is currently certified by a national certifying agency that is accredited by the American Board of Nursing Specialties and/or the National Commission for Certifying Agencies; and

5. The application fee set forth in N.J.A.C. 13:37-5.5(c).

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.2008 d.160, effective June 16, 2008.

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

Added new (a) and (b); recodified former (a) and (b) as (c) and (d); rewrote the introductory paragraph of (c); added (c)1 and (c)2; in the introductory paragraph of (d), inserted "as an advanced practice nurse" and deleted "materials" following "following"; deleted former (b)1; recodified former (b)2 through (b)4 as (d)1 through (d)3; rewrote (d)1 through (d)3; and added (d)4 and (d)5.

13:37-7.2 Educational requirements for certification

(a) An applicant for certification as an advanced practice nurse shall possess;

1. A masters degree in nursing from a school accredited by a nursing accrediting association recognized by the U.S. Department of Education; or

2. A masters degree in nursing and shall have completed a post-masters program that focuses on an advanced practice nursing specialty from a school accredited by a nursing accrediting association recognized by the U.S. Department of Education.

(b) An applicant shall have completed the education required by (a) above no more than two years prior to submitting an application for certification to the Board. An education program completed more than two years prior to submission shall not qualify an applicant for certification. Applicants specializing in anesthesia who have successfully completed the education required by (a) above need not show that they have completed that education within the last two years if they apply between June 16, 2008 and June 16, 2009.

(c) Each applicant shall have successfully completed at least 39 hours in pharmacology during the education program referred to in (a) above.

(d) In addition to the requirements of (a) and (c) above, an applicant shall have completed six contact hours in pharmacology related to controlled dangerous substances, including pharmacologic therapy and addiction prevention and management, presented by:

1. An organization that has been approved by a credentialing agency accredited by the National Commission for Certifying Agencies; or

2. A college or university licensed by either the New Jersey Commission on Higher Education or an agency of another state with requirements substantially similar to the requirements of the New Jersey Commission on Higher Education.

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

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

Section was "Educational requirements for certification".

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

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

1. The applicant has completed the educational requirements of N.J.A.C. 13:37-7.2 or 7.5; and

2. The applicant has applied to take the examination required by N.J.A.C. 13:37-7.4.

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

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

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

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

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

13:37-7.4 Examination requirements for certification

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

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

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

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

13:37-7.5 Educational and examination certification requirements in the area of anesthesia on or before June 16, 2009

(a) An applicant who does not possess a masters degree who is seeking certification as an advanced practice nurse in

the specialty area of anesthesia on or before June 16, 2009 shall be certified, provided the applicant is licensed as a registered nurse in New Jersey and submits the following to the Board:

1. Proof of successful completion of an education program accredited and/or approved by the Council on Accreditation of Nurse Anesthesia Educational Programs;
2. Proof of current re-certification by the Council on Recertification of Nurse Anesthetists;
3. Proof that the applicant has worked for a minimum of 1600 hours as a nurse anesthetist over the previous 24 months; and
4. Proof that the applicant has completed:
 - i. At least 39 hours in pharmacology during the program referred to in (a)1 above or at least three credits of graduate level course work in pharmacology from a school accredited by a nursing accrediting association recognized by the U.S. Department of Education; and
 - ii. Six contact hours in pharmacology related to controlled dangerous substances, including pharmacologic therapy and addiction prevention and management, offered by either an organization that has been approved by a credentialing agency accredited by the National Commission for Certifying Agencies or a college or university licensed by either the New Jersey Commission on Higher Education or an agency of another state with requirements substantially similar to the requirements of the New Jersey Commission on Higher Education.

Repeal and New Rule, R.2008 d.160, effective June 16, 2008.
See: 39 N.J.R. 1991(b), 40 N.J.R. 3729(a).
Section was "Biennial certification renewal".

13:37-7.6 Certification by endorsement

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

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

1. A completed application form, which contains biographical, educational and experiential data concerning the applicant;
2. Verification of certification as an advanced practice nurse in good standing in another state;
3. Proof that the applicant has successfully completed the educational requirements of an advanced practice nurse as set forth in N.J.A.C. 13:37-7.2. The applicant shall submit to the Board a transcript showing successful com-

pletion of an advanced practice nurse program from the school(s) where the applicant completed the educational requirements. An applicant applying for certification through endorsement shall not be required to meet the requirements of N.J.A.C. 13:37-7.2(b);

4. Proof that the applicant is currently certified by a national certifying agency that is accredited by the American Board of Nursing Specialties and/or the National Commission for Certifying Agencies; and

5. The application fee set forth in N.J.A.C. 13:37-5.5(e).

Repeal and New Rule, R.2008 d.160, effective June 16, 2008.
See: 39 N.J.R. 1991(b), 40 N.J.R. 3729(a).
Section was "Prescriptive practice".

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

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

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

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

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

(e) An advanced practice nurse whose certificate has been automatically suspended for five years or less for nonpayment

of a biennial renewal fee pursuant to (c) above may be reinstated by the Board upon completion of the following:

1. Payment of the reinstatement fee and all past delinquent biennial renewal fees pursuant to N.J.A.C. 13:37-5.5;
 2. Completion of the continuing education units required under N.J.A.C. 13:37-7.8 for each biennial registration period for which the advanced practice nurse was suspended; and
 3. Submission of an affidavit of employment listing each job held during the period the certificate was suspended, including the name, address, and telephone number of each employer.
- (f) An advanced practice nurse whose certificate has been automatically suspended for failure to renew for more than five years who wishes to have his or her certificate reinstated shall reapply for certification pursuant to N.J.A.C. 13:37-7.1. The applicant shall fulfill all of the initial licensure requirements, including retaking the examination required by N.J.A.C. 13:37-7.1(d)3. An applicant reapplying for certification shall not be required to meet the requirements of N.J.A.C. 13:37-7.2(b).
- (g) Renewal applications shall provide the advanced practice nurse with the option of either active or inactive status. An advanced practice nurse electing inactive status shall pay the inactive certificate fee set forth in N.J.A.C. 13:37-5.5 and shall not practice as an advanced practice nurse.
- (h) An advanced practice nurse who elected inactive status and has been on inactive status for five years or less may be reinstated by the Board upon completion of the following:
1. Payment of the active status fee set forth in N.J.A.C. 13:37-5.5;
 2. The completion of the continuing education units required for each biennial registration period for which the advanced practice nurse was on inactive status; and
 3. Submission of an affidavit of employment listing each job held during the period the advanced practice nurse was on inactive status, including the name, address, and telephone number of each employer.
- (i) An advanced practice nurse who has been on inactive status for more than five years who wishes to return to practice shall reapply for certification pursuant to N.J.A.C. 13:37-7.1. The applicant shall fulfill all of the initial licensure requirements, including retaking the examination required by N.J.A.C. 13:37-7.1(d)3. An applicant reapplying for certification shall not be required to meet the requirements of N.J.A.C. 13:37-7.2(b).
- (j) An advanced practice nurse who was initially certified by the Board in an area of practice that was approved by the Board prior to June 16, 2008 shall be permitted to renew certification for that practice.

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

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

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

13:37-7.8 Continuing education

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

(b) By June 16, 2009, every advanced practice nurse shall have completed six contact hours in pharmacology related to controlled dangerous substances, including pharmacologic therapy and addiction prevention and management, presented by:

1. An organization that has been approved by a credentialing agency accredited by the National Commission for Certifying Agencies; or
2. A college or university licensed by either the New Jersey Commission on Higher Education or an agency of another state with requirements substantially similar to the requirements of the New Jersey Commission on Higher Education.

(c) Upon completing the six contact hours in pharmacology related to controlled dangerous substances as required by (b) above, an advanced practice nurse shall submit to the Board a certificate of completion issued by the organization, college or university that provided the contact hours indicating that he or she has completed the hours.

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

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

Section was "Certification by endorsement".

13:37-7.9 Prescriptive practice

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

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

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

to patients only on New Jersey Prescription Blanks in accordance with N.J.S.A. 45:14-55.

(d) An advanced practice nurse shall include the following information on each prescription blank issued:

1. The prescribing advanced practice nurse's full name, designation, that is, APN, address, telephone number, and certification number;
2. The full name, date of birth and address of the patient;
3. The date of issuance;
4. The name, strength, route and quantity of the medication prescribed;
5. The number of refills permitted or time limit for refills, or both;
6. A handwritten, original signature;
7. An explicit indication, by initials placed next to "do not substitute," if a specified brand name drug is to be dispensed;
8. The full name, title, address, telephone number, and license number of the collaborating physician;
9. Words, in addition to numbers, to indicate the drug quantity authorized if the prescription is for a controlled dangerous substance, for example: "ten (10) Percodan" or "five (5) Ritalin 5 mg"; and
10. If the prescription is for a controlled dangerous substance, the advanced practice nurse's DEA number and instructions as to the frequency of use.

(e) An advanced practice nurse who prescribes medication or devices shall advise patients by a sign or pamphlets in the waiting room of the office, that a patient may request a generic drug as a substitute for a brand name drug prescribed.

(f) An advanced practice nurse may use only prescription blanks that are imprinted with the words "substitution permissible" and "do not substitute," with a space for the prescribing advanced practice nurse's initials next to the chosen option. The prescription blanks shall not include preprinted information designed to discourage or prohibit substitution.

(g) When using health care facility or multi-prescriber prescription blanks, the full name and certificate number of the advanced practice nurse shall be legibly printed at the top of the prescription blank or the identity of the advanced practice nurse shall be designated by a checkmark or other legible means.

(h) Each prescription for a controlled dangerous substance shall be written on a separate New Jersey Prescription Blank.

Repeal and New Rule, R.2008 d.160, effective June 16, 2008.
See: 39 N.J.R. 1991(b), 40 N.J.R. 3729(a).

Section was "Requirements for nurse practitioner/clinical nurse specialists certified pursuant to N.J.S.A. 45:11-48".

13:37-7.10 Requirements for dispensing medications

(a) An advanced practice nurse may dispense a medication directly to a patient pursuant to a joint protocol. An advanced practice nurse who dispenses medications shall assure that follow-up care is provided and that the effects of the medication are properly evaluated and integrated into the treatment plan of the patient.

(b) An advanced practice nurse who dispenses medications in the office shall maintain those medications in accordance with pharmaceutical standards and manufacturer recommendations concerning storage conditions. An advanced practice nurse shall not maintain in inventory any medications, which are outdated, misbranded, deteriorated, adulterated, recalled, unlabeled, damaged, discontinued or which were previously dispensed to a patient.

(c) When an advanced practice nurse dispenses a medication to a patient, he or she shall record the dispensing in the patient's record.

(d) All medications dispensed, except for those dispensed as pharmaceutical samples shall be recorded in a permanent, contemporaneous dispensing log, which shall contain the following:

1. The full name of the patient;
2. The complete name of each medication dispensed;
3. The strength and quantity of the medication dispensed;
4. Instructions as to the frequency of use;
5. The date of dispensing; and
6. The identity of the dispensing advanced practice nurse, if more than one individual dispenses in the office.

(e) (Reserved)

(f) Every medication dispensed, except for pharmaceutical samples, shall bear a legible label, which includes:

1. The full name of the patient;
2. The complete name of the medication dispensed;
3. The strength and quantity of the medication dispensed;
4. Instructions as to the frequency of use;
5. Special precautions, if appropriate;
6. The date of dispensing;
7. The expiration date of the medication;
8. A list of the ingredients if the medication was compounded, not manufactured; and

9. The identity of the dispensing advanced practice nurse.

(g) (Reserved)

(h) An advanced practice nurse shall not charge a fee for a medication packaged and labeled by a manufacturer as a sample.

(i) An advanced practice nurse may charge a fee for dispensing any medication that is not packaged and labeled by a manufacturer as a sample. This fee shall not exceed the actual acquisition cost for the medication plus an administrative amount which shall not exceed 10 percent of the actual acquisition cost.

(j) Except as exempted by (k) below, an advanced practice nurse who dispenses a medication for a fee shall:

1. Not dispense the medication or a substantially equivalent medication in a quantity or in dosages greater than that which would allow the patient a seven-day supply;

2. Not dispense the medication or a substantially equivalent medication more than once every 30 days:

3. Assure that information is given to the patient regarding the availability of the medication outside of the advanced practice nurse's office; and

4. Disclose to the patient in advance of purchase and again on the bill the actual acquisition cost of the medication.

(k) An advanced practice nurse need not comply with (j) above if:

1. The office at which the dispensing occurs is situated 10 or more miles from the nearest licensed pharmacy;

2. The medication is dispensed pursuant to an oncological or AIDS protocol;

3. The medication dispensed is a salve, ointment or drops; or

4. The medication is dispensed in, and directly related to, the services rendered to the patient at:

- i. A hospital emergency room;
- ii. A student health center at an institution of higher education; or
- iii. A publicly subsidized community health center, family planning clinic or prenatal clinic.

(l) The requirements set forth in (d) through (g) above shall not apply to the dispensing of nonprescription substances.

Repeal and New Rule, R.2008 d.160, effective June 16, 2008.
See: 39 N.J.R. 1991(b), 40 N.J.R. 3729(a).

Section was "Practice as registered professional nurse".

13:37-7.11 Practice as a 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 a person licensed as a registered professional nurse in this State, provided that the licensee does not represent himself or herself as an advanced practice nurse.

Amended by R.1996 d.304, effective July 1, 1996.

See: 27 N.J.R. 2091(a), 28 N.J.R. 3303(a).

In (a) added Critical care, Emergency/Burns/Trauma, Medical-Surgical and Rehabilitation.

Recodified from N.J.A.C. 13:37-7.10 and amended by R.2008 d.160, effective June 16, 2008.

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

Former N.J.A.C. 13:37-7.11, Categories of advanced practice, repealed.

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".

SUBCHAPTER 8. NURSING PRACTICE

13:37-8.1 (Reserved)

13:37-8.2 (Reserved)

13:37-8.3 Sexual misconduct

(a) This section shall apply to all advanced practice nurses, registered professional nurses, licensed practical nurses and homemaker-home health aides licensed or certified by the Board.

(b) As used in this section, the following terms have the following meanings unless the context indicates otherwise:

"Board" means the New Jersey Board of Nursing.

"Client or patient" means any person who is the recipient of nursing services or certified homemaker-home health care rendered by a licensee pursuant to N.J.S.A. 45:11-23 et seq.

"Client or patient relationship" means an association between a licensee and client or patient wherein the licensee owes a continuing duty to the client or patient to be available to render nursing services consistent with the licensee's education, training and experience.

"Licensee" means any person licensed or certified by the Board.

"Sexual contact" means the knowing touching of a person's body directly or through clothing, where the circumstances surrounding the touching would be construed by a reasonable person to be motivated by the licensee's own prurient interest or for sexual arousal or gratification. "Sexual

contact” includes the imposition of a part of the licensee’s body upon a part of the client or patient’s body, sexual penetration, or the insertion or imposition of any object or any part of a licensee or client or patient’s body into or near the genital, anal or other opening of the other person’s body.

“Sexual harassment” means solicitation of any sexual act, physical advances, or verbal or non-verbal conduct that is sexual in nature, and which occurs in connection with a licensee’s activities or role as a provider of nursing services, and that either: is unwelcome, offensive to a reasonable person, or creates a hostile environment, and the licensee knows, should know or is told this; or is sufficiently severe or intense to be abusive to a reasonable person in that context. “Sexual harassment” may consist of a single extreme or severe act or of multiple acts and may include conduct of a licensee with an individual whether or not such individual is in a subordinate position to the licensee.

“Spouse” means either the husband, wife or fiancée of the licensee or an individual in a long-term committed relationship with the licensee.

(c) A licensee shall not engage in sexual contact with a client or patient with whom he or she has a client or patient-nurse relationship. The client or patient relationship is considered ongoing for purposes of this section unless:

1. For a homemaker-home health aide, the last homemaker-home health aide service was rendered more than three months prior;
2. For an advanced practice nurse, registered professional nurse or licensed practical nurse, who is not engaged in psychiatric nursing, the last nursing service was rendered more than three months prior;
3. For an advanced practice nurse who practices psychiatric nursing, the last nursing service was rendered more than two years prior; or
4. For a registered professional nurse or a licensed practical nurse who practices psychiatric nursing, the last nursing service was rendered more than one year prior.

(d) A licensee shall not seek or solicit sexual contact with a client or patient with whom he or she has a client or patient relationship and shall not seek or solicit sexual contact with any person in exchange for nursing or homemaker-home health aide services.

(e) A licensee shall not engage in any discussion of an intimate sexual nature with a client or patient, unless that

discussion is related to legitimate client or patient needs. Such discussion shall not include disclosure by the licensee of his or her own intimate sexual relationships.

(f) A licensee shall provide privacy and examination conditions which prevent the exposure of the unclothed body of the client or patient unless necessary to the nursing or homemaker-home health aide services rendered.

(g) A licensee shall not engage in sexual harassment, whether in a professional setting or outside of the professional setting.

(h) A licensee shall not engage in any activity performed with a patient or client which would lead a reasonable person to believe that the activity serves the licensee’s personal prurient interests or is for the sexual arousal the sexual or gratification of the licensee or client or patient or which constitutes an act of sexual abuse.

(i) Violation of any of the prohibitions or directives set forth in (c) through (h) above shall be deemed to constitute gross or repeated malpractice pursuant to N.J.S.A. 45:1-21(c) or (d), respectively, or professional misconduct pursuant to N.J.S.A. 45:1-21(e).

(j) Nothing in this section shall be construed to prevent a licensee from rendering nursing or homemaker-home health aide services to a spouse, providing that the rendering of such nursing services is consistent with accepted standards and that the performance of nursing or homemaker-home health aide services is not utilized to exploit the client or patient for the sexual arousal or sexual gratification of the licensee.

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

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

SUBCHAPTER 9. FORENSIC NURSE—CERTIFIED SEXUAL ASSAULT PROGRAM

Subchapter Historical Note

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

13:37-9.1 Purpose and scope

(a) The purpose of this subchapter is to implement the provisions of P.L. 2001, c.81, which establishes a Statewide Sexual Assault Nurse Examiner Program and authorized the certification of sexual assault nurse examiners by the Board and the Attorney General.

(b) This subchapter sets forth standards for the education and certification of forensic nurses certified in sexual assault.

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

In (b), substituted "forensic nurses certified in sexual assault" for "sexual assault nurse examiners".

13:37-9.2 Definitions

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

"Board" means the State Board of Nursing.

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

"Forensic nurse—certified sexual assault (FN—CSA)" means a registered professional nurse licensed in New Jersey, and specially trained to provide comprehensive care to sexual assault victims, who demonstrates competency in conducting a sexual assault forensic examination and who has successfully completed a course of education as set forth in this subchapter.

"Full-time" means that a person has worked at least 800 hours in one year.

"Medical screening examination" means an examination and evaluation within the capability of a hospital's emergency department, including ancillary services routinely available to the emergency department, performed by qualified personnel pursuant to requirements in N.J.A.C. 8:43G-12, which are necessary to determine whether or not an emergency medical condition exists.

"Sexual assault forensic examination" means an assessment conducted by a physician or a registered professional nurse, consisting of a history and physical examination, medical or nursing diagnosis and intervention, including the collection of evidence.

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

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

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

Deleted definitions "Adult" and "Child".

13:37-9.3 Application for certification

(a) To be eligible for certification as a FN—CSA, an applicant must:

1. Hold a current license as a registered professional nurse from the Board;
2. Have worked full-time for at least two years as a registered professional nurse;
3. Have successfully completed a FN—CSA education course approved by the Board and the Director of the Division of Criminal Justice, pursuant to N.J.A.C. 13:37-9.5; and
4. Have successfully completed the FN—CSA clinical requirement pursuant to N.J.A.C. 13:37-9.6 and passed a clinical examination given by an approved clinical examination facility pursuant to N.J.A.C. 13:37-9.7(d).

(b) An applicant who attended a FN—CSA education course prior to July 13, 2004 that has not been approved by the Board and the Director of the Division of Criminal Justice shall be eligible for certification if he or she has met the requirements of (a)1, 2 and 4 above and can show that the FN—CSA education course he or she completed would have met the requirements of N.J.A.C. 13:37-9.5.

(c) An applicant for certification as a FN—CSA shall submit, or arrange to have submitted, to the Board:

1. A completed application form which shall include the name, address and telephone number of the applicant;
2. Proof that the applicant has successfully completed a FN—CSA education program, as outlined in N.J.A.C. 13:37-9.5, and the clinical requirements of N.J.A.C. 13:37-9.6 and 9.7(d); and
3. The application fee pursuant to N.J.A.C. 13:37-5.5(d)1.

(d) The Board shall review the application and forward it to the Director of the Division of Criminal Justice, or his or her designee. If both the Board and the Director, or his or her designee, agree that the applicant meets the requirements for certification contained in this subchapter, the Board shall certify the applicant.

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

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

13:37-9.4 (Reserved)

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

Substituted "FN—CSA" for "SANE".

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

Section was "Pediatric sexual assault forensic examinations".

13:37-9.5 FN–CSA education programs

(a) An individual, agency or institution seeking approval for a course in clinical forensics for the purpose of providing education for forensic nurses–certified sexual assault shall submit to the Board an application which shall include:

1. The name and address of the individual, agency or institution seeking approval;
2. Proof that the program has been accredited by the American Nurses Credentialing Center’s Commission on Accreditation;
3. An outline of the course curriculum specifying the hours allotted to each topic;
4. An affidavit which indicates that the curriculum is included in the FN–CSA education course;
5. An affidavit that program instructors meet the requirements of (d) below;
6. The names and credentials of all instructors for the program; and
7. The name and credentials of the program administrator.

(b) Upon receipt of an application for course approval, the Board shall forward the application to the Director of the Division of Criminal Justice for review. The Board and the Director of the Division of Criminal Justice shall review the application for compliance with (c) below. If the Director of the Division of Criminal Justice and the Board approve the program, a letter of approval shall be provided to the individual, agency or institution which conducts the course. A copy of the letter of approval shall be included with course materials provided to the students.

(c) A course in FN-CSA education shall be completed within a six-month period. A course shall contain a minimum of 40 hours of didactic instruction in the following:

1. History and role of forensic nursing, for a minimum of two hours, including:
 - i. History of forensic nursing;
 - ii. Forensic roles and practice settings;
 - iii. Professional organizations; and
 - iv. Ethical issues of forensic practice;
2. Role and responsibility of the FN-CSA, for a minimum of two hours, including:
 - i. Board statutes and rules, N.J.S.A. 45:11-24 et seq. and N.J.A.C. 13:37;
 - ii. Job description; and
 - iii. Role within the Sexual Assault Response Team;

3. Sexual Assault Response Teams, for a minimum of two hours, including:
 - i. Role of the rape care advocate;
 - ii. Role of law enforcement; and
 - iii. Sexual Assault Response Team activation;
4. Secondary responding/interacting agencies, for a minimum of two hours, including:
 - i. Division of Youth and Family Services;
 - ii. Regional Diagnostic and Treatment Centers;
 - iii. Division of Developmental Disabilities; and
 - iv. Office of the Ombudsman for the Institutionalized Elderly;
5. Psychosocial issues of sexual assault, for a minimum of two hours, including:
 - i. Definition and dynamics of sexual assault;
 - ii. Cultural awareness;
 - iii. Rape Trauma Syndrome/Post Traumatic Stress Disorder; and
 - iv. Vicarious trauma;
6. Needs of special victim populations, for a minimum of two hours, including:
 - i. Pediatrics;
 - ii. Elders;
 - iii. Disabled; and
 - iv. Male victims;
7. Sexual assault offenders, for a minimum of two hours, including:
 - i. Offender characteristics; and
 - ii. Drug-facilitated sexual assault;
8. Anatomy and physiology, for a minimum of six hours, including:
 - i. Male and female genital anatomy-normal growth and development;
 - ii. Genital injury and healing; and
 - iii. Injury versus disease process;
9. Nursing management issues, for a minimum of two hours, including:
 - i. Emergency Medical Treatment and Labor Act (EMTALA) regulations and medical screening exams, as required by 43 CFR §489.24 and N.J.A.C. 8:43G;
 - ii. Sexually transmitted disease and pregnancy prevention;

- iii. Managing/referring medical problems; and
- iv. Patient discharge and referral;

10. Evidence in sexual assault cases, for a minimum of four hours, including:

- i. Specialized equipment and Sexual Assault Forensic Evidence (SAFE) kits; and
- ii. Lab procedures and DNA Evidence;

11. Documentation skills, for a minimum of four hours, including:

- i. Forensic history taking skills;
- ii. Communication skills; and
- iii. Fact-based documentation;

12. Documenting injuries and evidence, for a minimum of four hours, including:

- i. Body map diagrams (pediatric and adult);
- ii. Physical assessment;
- iii. Forensic photography; and
- iv. Colposcopy;

13. Genital exams, for a minimum of two hours;

14. Criminal justice system, for a minimum of two hours, including:

- i. New Jersey sexual assault laws;
- ii. Rules of evidence; and
- iii. Investigation and prosecution; and

15. Trial testimony, for a minimum of two hours, including:

- i. Preparing to testify; and
- ii. Mock trial demonstration.

(d) The didactic instruction required in (c) above shall be taught by an instructor who either has a masters degree in nursing from a school accredited by the New Jersey Department of Education, or another state's department of education, or who is a FN-CSA. Didactic instruction in topics required by (c)14i and 15 above may be taught by an attorney. Didactic instruction in topics required by (c)14ii and iii above may be taught by an attorney or by an investigator or detective who is part of a New Jersey law enforcement agency. Didactic instruction in topics required by (c)1, 3, 5i, 5ii, 5iii and 6 above may be taught by an individual who is recognized as a rape care advocate pursuant to N.J.S.A. 52:4B-52.

(e) Each clinical forensics course shall include a written examination. Upon completion of the clinical forensics course, each student shall successfully pass the examination.

(f) Every program shall have an administrator who has direct authority for the fiscal and academic administration of the program. The administrator shall have a masters degree in nursing from a school accredited by the New Jersey Department of Education, or another state's department of education.

(g) The clinical forensics course shall meet the requirements of Educational Design I or Educational Design II programs as set forth by the American Nurses Credentialing Center's Commission on Accreditation in the "Manual for Accreditation as an Approver of Continuing Education in Nursing" (1996), available from the American Nurses Credentialing Center, 600 Maryland Ave., SW, Suite 100 West, Washington, DC 20024-2571, which is incorporated herein by reference, as amended and supplemented.

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

Substituted "forensic nurses-certified sexual assault" for "sexual assault nurse examiners" and "FN-CSA" for "SANE" throughout the section.

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

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

Deleted former (c)1 through (c)30, and added new (c)1 through (c)15.
Administrative correction.
See: 40 N.J.R. 6822(a).

13:37-9.6 Clinical education

(a) Applicants for certification as a FN-CSA shall complete classroom education, pursuant to N.J.A.C. 13:37-9.5, before beginning their clinical education.

(b) An applicant shall complete a clinical program consisting of:

1. A minimum of 10 routine gynecological genital inspections, which include speculum examinations, in a clinic or in clinical settings supervised by an advanced practice nurse or physician; and

2. A minimum of five simulated sexual assault examinations using a State of New Jersey Sexual Assault Evidence Collection Kit, in a clinical examination facility approved by the Board and the Director of the Division of Criminal Justice pursuant to N.J.A.C. 13:37-9.7 or run by the Division of Criminal Justice.

(c) Documentation of the completed clinical education shall be dated and signed by the supervising advanced practice nurse or physician.

(d) An individual who attended to five victims of sexual assault as part of a county FN-CSA program prior to July 13, 2004 shall be deemed to have met the requirements of (b)2 above and need not complete the five simulated sexual assault examinations required by (b)2 above in order to obtain certification.

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

In (a) and (d), substituted "FN-CSA" for "SANE".

13:37-9.7 Clinical education facilities

(a) A Board accredited school of nursing may apply to the Board for approval as a clinical education facility. An applicant for approval shall submit to the Board:

1. Documents which show that the clinical education facility is equipped with a colposcope and all other equipment needed for a comprehensive sexual assault forensic examination;
2. Evidence that the clinical education facility has a person who will act as a surrogate sexual assault victim;
3. An outline of what the person(s) acting as a surrogate sexual assault victim will say during a sexual assault examination;
4. Evidence that the clinical education facility can provide the opportunity for individuals to complete the five sexual assault examinations required by N.J.A.C. 13:37-9.6(b); and
5. After July 13, 2005, evidence that the training facility has an instructor who is a FN-CSA.

(b) The Board shall review the application to ensure that the clinical education facility meets the requirements of (a) above and shall forward the application to the Director of the Division of Criminal Justice for approval. Once the Board and the Director have approved the clinical education facility the Board shall send a letter to the clinical education facility indicating that it has been approved.

(c) An approved clinical education facility shall provide an opportunity for individuals to complete the five sexual assault forensic examinations required by N.J.A.C. 13:37-9.6(b)2.

(d) An approved clinical education facility shall, upon completion of the clinical education required by N.J.A.C. 13:37-9.6(b)2, provide an examination which tests the ability of a forensic nurse-certified sexual assault applicant to perform sexual assault forensic examinations. The facility shall forward the results of this examination to the Board.

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

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

In (a)5, substituted "FN-CSA" for "SANE"; and in (d) substituted "forensic nurse-certified sexual assault" for "sexual assault nurse examiner".

13:37-9.8 Renewal of certification

(a) Certification as a FN-CSA shall be valid for two years.

(b) Certified FN-CSAs shall renew certification biennially by submitting to the Board:

1. A completed application for renewal; and
2. The biennial renewal fee, pursuant to N.J.A.C. 13:37-5.5(d)3.

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

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

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

13:37-9.9 Revocation or suspension of certification

(a) The Board and the Director of the Division of Criminal Justice may revoke or suspend a certification, after affording an opportunity to be heard, if they find that a FN-CSA has:

1. Falsified documentation;
2. Violated patient confidentiality;
3. Been convicted of a crime;
4. Been convicted of an offense involving perjury, dishonesty, fraud or misrepresentation, or sex offense; or
5. Violated the provisions of N.J.S.A. 45:1-21.

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

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

In (a), substituted "FN-CSA" for "SANE".

13:37-9.10 Endorsement

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

1. Has completed a course and clinical education substantially similar to the requirements of N.J.A.C. 13:37-9.5 and 9.6;
2. Takes a one-day course which covers the information required by N.J.A.C. 13:37-9.5(c)15, 16, 27 and 28; and
3. Passes a clinical competency examination given by a clinical examination facility pursuant to N.J.A.C. 13:37-9.7(d).

(b) An applicant for certification by endorsement shall submit to the Board:

1. A completed application for certification by endorsement form which shall include the name, address and telephone number of the applicant;
2. Evidence that the applicant is licensed as a registered professional nurse in New Jersey;
3. Evidence that the applicant is certified in another state and has worked in the past year as a FN-CSA, or its equivalent;
4. Evidence that the applicant has successfully completed a course with a curriculum substantially similar to that required by N.J.A.C. 13:37-9.5;
5. Evidence that the applicant has successfully completed clinical education which is substantially similar to that required by N.J.A.C. 13:37-9.6;

6. Evidence that the applicant has passed a clinical competency examination given by an approved clinical examination facility;

7. Evidence that the applicant has taken a one day course which reviews those topics required by N.J.A.C. 13:37-9.5(c)15, 16, 27 and 28; and

8. The application fee pursuant to N.J.A.C. 13:37-5.5(d)4.

(c) The Board shall review the endorsement application and forward it to the Director of Criminal Justice for review and approval. Once both the Board and the Director have approved the applicant, the Board shall issue the applicant a certification as a FN-CSA in New Jersey.

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

Substituted "FN-CSA" for "SANE" throughout the section.

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.

(c) This section shall expire June 16, 2009. A nurse anesthetist who has not obtained certification as an advanced practice nurse shall cease to administer anesthesia on June 16, 2009.

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).

Amended by R.2000 d.55, effective February 7, 2000.

See: 31 N.J.R. 3988(a), 32 N.J.R. 450(a).

Rewrote (a).

Amended by R.2008 d.160, effective June 16, 2008.

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

Added (c).

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.

(c) This section shall expire June 16, 2009.

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.2008 d.160, effective June 16, 2008.

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

Added (c).

SUBCHAPTERS 10 THROUGH 12. (RESERVED)

SUBCHAPTER 13. NURSE ANESTHETISTS

13:37-13.1 Nurse anesthetist practice

(a) A licensee who wishes to practice as a nurse anesthetist shall:

1. Hold current licensure as a registered professional nurse in this State;

2. Have graduated from a program in nurse anesthesia accredited by the Council on Accreditation of Nurse Anesthesia Educational Programs of the American Association of Nurse Anesthetists;

3. Pass the certifying examination administered by the Council on Certification of Nurse Anesthetists of the American Association of Nurse Anesthetists; and

4. Recertify biennially with the Council on Recertification of Nurse Anesthetists of the American Association of Nurse Anesthetists.

(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/

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.