

CHAPTER 37

NEW JERSEY BOARD OF NURSING

Authority

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

Source and Effective Date

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

Executive Order No. 66(1978) Expiration Date

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

Chapter Historical Note

Chapter 37, New Jersey Board of Nursing, was originally adopted by R.1970 d.66, effective June 3, 1970. See: 1 N.J.R. 22(a), 2 N.J.R. 55(e). Substantial amendments were made to Subchapters 2 through 6 by R.1984 d.137, effective April 16, 1984. See: 15 N.J.R. 1850(a), 16 N.J.R. 922(a). Subchapter 13, Nurse Anesthetists, was adopted by R.1984 d.493, effective November 5, 1984. See: 16 N.J.R. 2067(a), 16 N.J.R. 3054(d). Subchapters 2 through 6 were readopted by R.1985 d.105, effective March 4, 1985. See: 16 N.J.R. 3179(a), 17 N.J.R. 607(a). Pursuant to Executive Order No. 66(1978), Chapter 37 was readopted by R.1990 d.122, effective January 23, 1990. See: 21 N.J.R. 3854(b), 22 N.J.R. 6631(a). Subchapter 7, Certification of Nurse Practitioners/Clinical Nurse Specialists, was adopted as R.1994 d.212, effective May 2, 1994. See: 25 N.J.R. 2829(a), 26 N.J.R. 1876(a). Subchapter 14, Homemaker-Home Health Aides, was adopted as R.1994 d.289, effective June 6, 1994 (section 14.10, Competency examination, operative December 6, 1994). See: 25 N.J.R. 1950(a), 25 N.J.R. 3704(b), 26 N.J.R. 2293(c).

Pursuant to Executive Order No. 66(1978), Chapter 37 was readopted as R.1995 d.88. See: Source and Effective Date. As a part of R.1995 d.88, Subchapter 1, Programs in Nursing Education, was extensively revised, and Subchapter 2, Licensure by Examination for Professional Nurses; Subchapter 3, Licensure by Examination for Practical Nurses; Subchapter 4, Licensure by Examination for Foreign Nurses; Subchapter 5, Licensure by Endorsement, and Subchapter 12, Fee Schedule, were repealed and new rules for Subchapters 2, 3, 4, and 5 were adopted, effective February 21, 1995. See: 26 N.J.R. 4731(a), 27 N.J.R. 728(a).

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SUBCHAPTER 1. PROGRAMS IN NURSING EDUCATION

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

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

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

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

(c) After reviewing these materials the Board shall either:

1. Grant preliminary permission to pursue the development of the proposed program. This preliminary permission does not ensure that provisional accreditation will be granted; or
2. Require the redesign and/or revision of the preliminary program materials or the submission of additional information. Redesign or revision of preliminary program materials does not ensure that provisional accreditation will be granted; or

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

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

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

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

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

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

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

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

This section was originally Definitions.

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

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

13:37-1.2 Eligibility for accreditation

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

1. A school, division or department of nursing authorized to operate by its own charter, articles of incorporation or resolution of the governing board of its sponsoring institution.
2. Degree granting institutions shall be approved and licensed by the New Jersey State Department of Higher Education and accredited by the appropriate academic accrediting agencies.

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 fee 65.00
3. Application for licensure by endorsement 75.00 plus 65.00 initial license fee set forth in (a)2 above
4. Verification for endorsement 30.00
5. Renewal of license (biennial)
 - i. Active 65.00
 - ii. Inactive 30.00
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 license 35.00
9. Written verification of licensure 25.00

10. Copy of Nurse Practice Act 5.00
11. Copy of L.P.N. Standards of Practice 3.00

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

1. Application fee \$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 20.00
 - ii. If paid during the second year of a biennial renewal period 10.00
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 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 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 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 (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 certificate 35.00

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).

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.