

New Jersey Statutes Annotated

Title 45. Chapter 11.

New Jersey Board of Nursing Statutes

45:11-23. Definitions

As used in this act:

- a. The words "the board" mean the New Jersey Board of Nursing created by this act.
- b. The practice of nursing as a registered professional nurse is defined as diagnosing and treating human responses to actual or potential physical and emotional health problems, through such services as casefinding, health teaching, health counseling, and provision of care supportive to or restorative of life and wellbeing, and executing medical regimens as prescribed by a licensed or otherwise legally authorized physician or dentist. Diagnosing in the context of nursing practice means that identification of and discrimination between physical and psychosocial signs and symptoms essential to effective execution and management of the nursing regimen. Such diagnostic privilege is distinct from a medical diagnosis. Treating means selection and performance of those therapeutic measures essential to the effective management and execution of the nursing regimen. Human responses means those signs, symptoms, and processes which denote the individual's health need or reaction to an actual or potential health problem.

The practice of nursing as a licensed practical nurse is defined as performing tasks and responsibilities within the framework of casefinding; reinforcing the patient and family teaching program through health teaching, health counseling and provision of supportive and restorative care, under the direction of a registered nurse or licensed or otherwise legally authorized physician or dentist.

The terms "nursing," "professional nursing," and "practical nursing" as used in this act shall not be construed to include nursing by students enrolled in a school of nursing accredited or approved by the board performed in the prescribed course of study and training, nor nursing performed in hospitals, institutions and agencies approved by the board for this purpose by graduates of such schools pending the results of the first licensing examination scheduled by the board following completion of a course of study and training and the attaining of age qualification for examination, or thereafter with the approval of the board in the case of each individual pending results of subsequent examinations; nor shall any of said terms be construed to include nursing performed for a period not exceeding 12 months unless the board shall approve a longer period, in hospitals, institutions or agencies by a nurse legally qualified under the laws of another state or country, pending results of an application for licensing under this act, if such nurse does not represent or hold himself or herself out as a nurse licensed to practice under this act; nor shall any of said terms be construed to include the practice of nursing in this State by any legally qualified nurse of another state whose engagement made outside of this State requires such nurse to

accompany and care for the patient while in this State during the period of such engagement, not to exceed six months in this State, if such nurse does not represent or hold himself or herself out as a nurse licensed to practice in this State; nor shall any of said terms be construed to include nursing performed by employees or officers of the United States Government or any agency or service thereof while in the discharge of his or her official duties; nor shall any of said terms be construed to include services performed by nurses aides, attendants, orderlies and ward helpers in hospitals, institutions and agencies or by technicians, physiotherapists, or medical secretaries, and such duties performed by said persons aforementioned shall not be subject to rules or regulations which the board may prescribe concerning nursing; nor shall any of said terms be construed to include first aid nursing assistance, or gratuitous care by friends or members of the family of a sick or infirm person, or incidental care of the sick by a person employed primarily as a domestic or housekeeper, notwithstanding that the occasion for such employment may be sickness, if such incidental care does not constitute professional nursing and such person does not claim or purport to be a licensed nurse; nor shall any of said terms be construed to include services rendered in accordance with the practice of the religious tenets of any wellrecognized church or denomination which subscribes to the art of healing by prayer. A person who is otherwise qualified shall not be denied licensure as a professional nurse or practical nurse by reason of the circumstances that such person is in religious life and has taken a vow of poverty.

c. "Homemakerhome health aide" means a person who is employed by a home care services agency and who is performing delegated nursing regimens or nursing tasks delegated through the authority of a duly licensed registered professional nurse. "Home care services agency" means home health agencies licensed by the Department of Health pursuant to P.L.1971, c. 136 (C. 26:2H-1 et al.), nonprofit homemakerhome health aide agencies, and employment agencies and temporary help services firms regulated by the Director of the Division of Consumer Affairs in the Department of Law and Public Safety and the Attorney General pursuant to P.L.1989, c. 331 (C. 34:8-43 et seq.) and P.L.1960, c. 39 (C. 56:8-1 et seq.) respectively, which are engaged in the business of procuring or offering to procure employment for homemakerhome health aides, where a fee is exacted, charged or received directly or indirectly for procuring or offering to procure that employment.

d. "Nurse practitioner/clinical nurse specialist" means a person who holds a certification in accordance with section 8 or 9 of P.L.1991, c. 377 (C. 45:11-47 or 45:11-48).

e. "Collaborating physician" means a person licensed to practice medicine and surgery pursuant to chapter 9 of Title 45 of the Revised Statutes who agrees to work with a nurse practitioner/clinical nurse specialist.

Nothing in this act shall confer the authority to a person licensed to practice nursing to practice another health profession as currently defined in Title 45 of the Revised Statutes.

45:11-24. The board; appointment of members; terms; oath of office; duties and powers; compensation

a. The board; appointment; terms. In addition to the members appointed to represent the interests of the

public pursuant to P.L.1971, c. 60 as amended by P.L.1977, c. 285 (C. 45:1-2.2) the New Jersey Board of Nursing shall consist of 10 members, six of whom shall be registered professional nurses, two of whom shall be licensed practical nurses, one of whom shall be a nurse practitioner/clinical nurse specialist, and one of whom shall be an additional public member, all to be appointed by the Governor. Appointments to the board shall be for terms of five years or for the unexpired portion of a term in the case of a vacancy for any cause within a term, and until a successor shall be appointed and qualified. In making appointments the Governor shall give due consideration to, but shall not be bound by, recommendations submitted by the various nurses' professional associations of this State. Upon notice and hearing, the Governor may remove from office any member of the board for neglect of duty, incompetency, unprofessional or dishonorable conduct.

b. Qualifications for appointment. The nurse practitioner/clinical nurse specialist member shall be a resident of this State, shall be a graduate of an accredited nurse practitioner/clinical nurse specialist program, shall have had at least five years' experience in professional nursing, shall at the time of appointment be actively working as a nurse practitioner/clinical nurse specialist, and, except for the member first appointed, shall hold a certification as a nurse practitioner/clinical nurse specialist pursuant to P.L.1991, c. 377 (C.). Each registered professional nurse member of the board shall be a citizen of the United States and a resident of this State; shall be a graduate of an accredited school of nursing within the United States; shall be a registered nurse in this State; shall have had at least five years' experience in professional nursing following graduation from an accredited school of nursing; and shall at the time of appointment be actively engaged in nursing or work relating thereto. The licensed practical nurse members of the board shall be citizens of the United States and residents of this State; shall hold a valid license to practice practical nursing in this State; shall have had at least three years' experience in practical nursing; and shall at the time of appointment be actively engaged in practical nursing or work related thereto.

c. Oath or affirmation of office. Within 30 days after receipt of the commission, each appointee shall take, subscribe and file in the office of the Secretary of State the oath or affirmation prescribed by law.

d. Duties and powers. The board shall have the following duties and powers:

(1) It shall hold annual meetings and such other meetings as it may deem necessary at such times and places as the board shall prescribe and a majority of the board including one officer shall constitute a quorum.

(2) It shall elect from its members and prescribe the duties of a president and secretary treasurer, each of whom shall serve for one year and until a successor is elected.

(3) It shall appoint and prescribe the duties of an executive secretary to the board who need not be a member thereof but who shall be a citizen of the United States, a graduate of a college or university with a major in nursing education, a registered nurse of this State with at least five years' experience in teaching or administration or both in an accredited school of professional nursing, or have equivalent

qualifications as determined by the board. The executive secretary shall hold office during the will and pleasure of the board.

(4) It shall employ and prescribe the duties of such persons as in its judgment shall be necessary for the proper performance and execution of the duties and powers of the board.

(5) It shall determine and pay reasonable compensation and necessary expenses of the executive secretary and all employees of the board.

(6) It shall pay to each member of the board the compensation hereinafter provided.

(7) It shall have a common seal, keep an official record of all its meetings, and through its secretary/treasurer report annually to the Governor the work of the board.

(8) It shall examine applicants for a license or renewals thereof, issue, renew, revoke and suspend licenses, as hereinafter provided.

(9) It shall in its discretion investigate and prosecute all violations of provisions of this act.

(10) It shall keep an official record which shall show the name, age, nativity and permanent place of residence of each applicant and licensee and such further information concerning each applicant and licensee as the board shall deem advisable. The record shall show also whether the applicant was examined, licensed or rejected under this and any prior act. Copies of any of the entries of the record or of any certificate issued by the board may be authenticated by any member of the board under its seal and when so authenticated shall be evidence in all courts of this State of the same weight and force as the original thereof. For authenticating a copy of any entry or entries contained in its record the board shall be paid a fee of \$3.00, but such authentication, if made at the request of any public agency of this or any other jurisdiction, may be without fee.

(11) In its discretion it may publish at such times as it shall determine a list of nurses licensed under this act, a list of schools of nursing accredited or approved under this act, and such other information as it shall deem advisable.

(12) It shall prescribe standards and curricula for schools of nursing and evaluate and approve courses for affiliation.

(13) It shall hear and determine applications for accreditation of schools of professional nursing, conduct investigations before and after accreditation of such schools and institutions with which they are affiliated, and issue, suspend or revoke certificates of accreditation as hereinafter provided.

(14) It shall approve schools of practical nursing which shall conform to the standards, curricula, and requirements prescribed by the board, and suspend or revoke approval for violations thereof; provided,

that this power shall not extend to schools operated by any board of education in this State.

(15) It may consult with the Medical Society of New Jersey and the New Jersey Hospital Association with respect to any matter relating to the administration of this act and shall consult with those associations with respect to standards and curricula and any change thereof for schools of nursing.

(16) It shall issue subpoenas for the attendance of witnesses and production of documents at any hearing before the board authorized by this act and any member of the board shall administer an oath or affirmation to persons appearing to give testimony at such hearings.

(17) It may conduct any investigations, studies of nursing and nursing education and related matters, and prepare and issue such publications as in the judgment of the board will advance the profession of nursing and its service to the public.

(18) It shall perform all other functions which are provided in this act to be performed by it or which in the judgment of the board are necessary or proper for the administration of this act.

(19) It shall from time to time prescribe rules and regulations not inconsistent with this act.

(20) It shall prescribe standards and curricula for homemakerhome health aide education and training programs which a homemakerhome health aide shall complete in order to work in this State.

(21) It shall review applications to provide homemakerhome health aide training programs and shall issue, suspend or revoke program approval.

(22) It shall establish and maintain a registry of all individuals who have successfully completed a homemakerhome health aide training and competency evaluation program.

(23) It shall prescribe standards and requirements for a competency evaluation program resulting in certification of the homemakerhome health aide, and the renewal, revocation, and suspension of that certification.

(24) It shall review applications for homemaker homehealth aide certification and shall issue, suspend, revoke, or fail to renew certifications and conduct investigations pursuant to the provisions of P.L.1978, c. 73 (C. 45:1-14 et seq.).

e. Compensation. Each member of the board shall receive \$15.00 per day for each day in which such member is actually engaged in the discharge of duties and traveling and other expenses

45:11-24.1. Homemakerhome health aide certification; fee

An applicant for a homemakerhome health aide certification shall pay a fee as prescribed by the board at the time of application and at the time of each application for reexamination.

45:11-24.2. Competency evaluations for homemakerhome health aides

The board shall provide that a person may satisfy the examination requirement for certification as a homemakerhome health aide by passing an oral competency evaluation in English or Spanish.

45:11-24.3. Criminal History Record Checks; Conditional Employment; Disqualification of Applicant

a. The New Jersey Board of Nursing in the Division of Consumer Affairs in the Department of Law and Public Safety shall not issue a homemakerhome health aide certification to any applicant, except on a conditional basis as provided for in subsection d. of section 8 of P.L.1997, c. 100 (C.45:11-24.4), unless the board first determines, consistent with the requirements of sections 7 through 13 of P.L.1997, c. 100 (C.45:11-24.3 through 24.9), that no criminal history record information exists on file in the Federal Bureau of Investigation, Identification Division, or in the State Bureau of Identification in the Division of State Police, which would disqualify that person from being certified. A person shall be disqualified from certification if that person's criminal history record background check reveals a record of conviction of any of the following crimes and offenses:

(1) In New Jersey, any crime or disorderly persons offense:

(a) involving danger to the person, meaning those crimes and disorderly persons offenses set forth in N.J.S.2C:11-1 et seq., N.J.S.2C:12-1 et seq., N.J.S.2C:13-1 et seq., N.J.S.2C:14-1 et seq. or N.J.S.2C:15-1 et seq.; or

(b) against the family, children or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S.2C:24-1 et seq.; or

(c) involving theft as set forth in chapter 20 of Title 2C of the New Jersey Statutes; or

(d) involving any controlled dangerous substance or controlled substance analog as set forth in chapter 35 of Title 2C of the New Jersey Statutes except paragraph (4) of subsection a. of N.J.S.2C:35-10.

(2) In any other state or jurisdiction, of conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in paragraph (1) of this subsection.

b. Notwithstanding the provisions of subsection a. of this section, no person shall be disqualified from certification on the basis of any conviction disclosed by a criminal history record background check performed pursuant to sections 7 through 13 and section 14 of P.L.1997, c. 100 (C.45:11-24.3 through 24.9 and C.53:1-20.9a) if the person has affirmatively demonstrated to the New Jersey Board of Nursing in the Division of Consumer Affairs clear and convincing evidence of the person's rehabilitation. In

determining whether a person has affirmatively demonstrated rehabilitation, the following factors shall be considered:

- (1) the nature and responsibility of the position which the convicted person would hold or has held, as the case may be;
- (2) the nature and seriousness of the offense;
- (3) the circumstances under which the offense occurred;
- (4) the date of the offense;
- (5) the age of the person when the offense was committed;
- (6) whether the offense was an isolated or repeated incident;
- (7) any social conditions which may have contributed to the offense; and
- (8) any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional workrelease programs, or the recommendation of those who have had the person under their supervision.

c. If a person subject to the provisions of sections 7 through 13 of P.L.1997, c. 100 (C.45:11-24.3 through 24.9) refuses to consent to, or cooperate in, the securing of a criminal history record background check, the New Jersey Board of Nursing shall not issue a homemakerhome health aide certification and shall notify the applicant, and the applicant's employer if the applicant is conditionally employed as provided in subsection d. of section 8 of P.L.1997, c. 100 (C.45:11-24.4) or the applicant's prospective employer if known, of that denial.

45:11-24.4. Application for Criminal History Record Check

a. An applicant for homemakerhome health aide certification shall submit to the New Jersey Board of Nursing the applicant's name, address and fingerprints taken on standard fingerprint cards by a State or municipal law enforcement agency. The board is authorized to exchange fingerprint data with and receive criminal history record information from the Federal Bureau of Investigation and the Division of State Police for use in making the determinations required by sections 7 through 13 of P.L.1997, c. 100 (C.45:11-24.3 through 24.9).

b. Upon receipt of the criminal history record information for a person from the Federal Bureau of Investigation or the Division of State Police, the New Jersey Board of Nursing shall immediately notify, in writing, the applicant, and the applicant's employer if the applicant is conditionally employed as

provided in subsection d. of this section or the applicant's prospective employer if known, of the person's qualification or disqualification for homemakerhome health aide certification under sections 7 through 13 of P.L.1997, c. 100 (C.45:11-24.3 through 24.9). If the applicant is disqualified, the conviction or convictions which constitute the basis for the disqualification shall be identified in the notice to the applicant, but shall not be identified in the notice to the applicant's employer or prospective employer.

c. The applicant shall have 30 days from the date of the written notice of disqualification to petition the New Jersey Board of Nursing for a hearing on the accuracy of the applicant's criminal history record information or to establish the applicant's rehabilitation under subsection b. of section 7 of P.L.1997, c. 100 (C.45:11-24.3). The board shall notify the applicant's employer or prospective employer of the applicant's petition for a hearing within five days following the receipt of the petition from the applicant. Upon the issuance of a final decision upon a petition to the board pursuant to this subsection, the board shall notify the applicant and the applicant's employer or prospective employer as to whether the applicant remains disqualified from certification under sections 7 through 13 of P.L.1997, c. 100 (C.45:11-24.3 through 24.9).

d. An applicant may be issued conditional certification and may be employed as a homemakerhome health aide conditionally for a period not to exceed 180 days, pending completion of a criminal history record background check required under sections 7 through 13 of P.L.1997, c. 100 (C.45:11-24.3 through 24.9), if the person submits to the New Jersey Board of Nursing a sworn statement attesting that the person has not been convicted of any crime or disorderly persons offense as described in section 7 of P.L.1997, c. 100 (C.45:11-24.3). A person who submits a false sworn statement shall be disqualified from certification as a homemakerhome health aide and shall not have an opportunity to establish rehabilitation pursuant to subsection b. of section 7 of P.L.1997, c. 100 (C.45:11-24.3). A conditionally employed person who disputes the accuracy of the criminal history record information and who files a petition requesting a hearing pursuant to subsection c. of this section may remain employed by the employer until the board rules on the applicant's petition but, pending the board's ruling, the employer shall not permit the applicant to have unsupervised contact with patients or clients who are 60 years of age or older.

45:11-24.5. Responsibility for Costs of Criminal History Record Check A home health agency or a health care service firm, as defined in regulations of the Division of Consumer Affairs, may assume the cost of the criminal history record background check conducted on an applicant for homemakerhome health aide certification pursuant to sections 7 through 13 and section 14 of P.L.1997, c. 100 (C.45:11-24.3 through 24.9 and C.53:1-20.9a); or it may require the applicant to pay the cost of the criminal history record background check.

45:11-24.6. Biennial Recertification from Board of Nursing

The Division of Consumer Affairs shall require that the New Jersey Board of Nursing issue biennial recertifications to homemakerhome health aides only upon receiving documented proof from a home health agency or health care service firm that the homemakerhome health aide is currently employed and

regularly supervised by a registered professional nurse.

45:11-24.7. Contents of Board of Nursing Certificate

The Division of Consumer Affairs shall require that a New Jersey Board of Nursing certificate issued to a homemakerhome health aide contain the following statement: "Valid only if certified homemakerhome health aide is employed by a home health agency or health care service firm and is performing delegated nursing regimen or nursing tasks delegated through the authority of a duly licensed registered professional nurse."

45:11-24.8. Adoption of Rules and Regulations

In accordance with the "Administrative Procedure Act," P.L.1968, c. 410 (C.52:14B-1 et seq.), the New Jersey Board of Nursing in the Division of Consumer Affairs shall adopt rules and regulations necessary to implement the provisions of sections 7 through 9 and section 13 of P.L.1997, c. 100 (C.45:11-24.3 through 24.5 and C.45:11-24.9).

45:11-24.9. Failure of Employer to Comply With Criminal History Record Check Requirements

Any person submitting a false sworn statement pursuant to section 8 of P.L.1997, c. 100 (C.45:11-24.4) shall be subject to a fine of not more than \$1,000, which may be assessed by the New Jersey Board of Nursing.

45:11-25. Secretarytreasurer and executive secretary; bond; accounts; reports

The secretarytreasurer before taking office and the executive secretary before entering upon his or her duties shall each give to the State of New Jersey a bond with surety, in a penal sum to be determined by the board, conditioned for the faithful performance of his or her duties. The secretary treasurer shall keep an account of all moneys received and expended and shall render a detailed statement thereof to the State Comptroller on June thirtieth of each year or as soon thereafter as practicable and shall also submit to the Governor on June thirtieth of each year or as soon thereafter as practicable a general statement of the work of the board, including therein a statement of the number of applications received, approved and rejected during the year reported upon.

45:11-26. Professional nurses

a. Qualifications of applicants. An applicant for a license to practice professional nursing shall submit to the board evidence in such form as the board may prescribe that said applicant:

(1) has attained his or her eighteenth birthday;

(2) is of good moral character, is not a habitual user of drugs and has never been convicted or has not

pleaded nolo contendere, non vult contendere or non vult to an indictment, information or complaint alleging a violation of any Federal or State law relating to narcotic drugs;

(3) holds a diploma from an accredited 4year high school or the equivalent thereof as determined by the New Jersey State Department of Education;

(4) has completed a course of professional nursing study in an accredited school of professional nursing as defined by the board and holds a diploma therefrom.

Notwithstanding anything herein contained, any person who possesses the educational and school of professional nursing qualifications for registration required by the law of this State at the time of his or her graduation from an accredited school of professional nursing shall be deemed to possess the qualifications (3) and (4) prescribed hereinabove in this subsection.

Notwithstanding anything herein contained, any person who shall have qualifications (1) and (2) and shall have graduated from a school of professional nursing, which need not be an accredited school, shall be deemed to have qualifications (3) and (4) upon complying with such reasonable requirements as to high school and school of nursing studies and training as the board may prescribe; provided, however, that such person shall make application in form prescribed by the board within 1 year from the effective date of this act and shall satisfactorily complete such reasonable requirements and successfully pass the examinations, which examinations shall be limited to subject matters in the curriculum required by the board at the time of the applicant's graduation, provided for in subsection b. hereof, within 2 years after the date of the filing of such application.

b. License.

(1) By examination. The applicant shall be required to pass a written examination in such subjects as the board may determine, which examination may be supplemented by an oral or practical examination or both. Upon successfully passing such examinations the applicant shall be licensed by the board to practice professional nursing.

(2) By indorsement without examination. The board may issue a license to practice professional nursing without examination to an applicant who has been duly licensed or registered as a registered or professional nurse by examination or by original waiver under the laws of another State, territory or possession of the United States, or the District of Columbia, or any foreign country, if in the opinion of the board the applicant has the qualifications required by this act for the licensing of professional nurses, or equivalent qualifications.

c. Fees. An applicant for a license by examination shall pay to the board at the time of application a fee of \$25.00 and at the time of each application for reexamination a fee of \$20.00. An applicant for a license without examination shall pay to the board at the time of application a fee of \$15.00.

d. Nurses registered under a previous law. Any person who on the effective date of this act holds a subsisting certificate of registration as a registered nurse issued pursuant to the provisions of the act repealed by section 22 of this act 1 shall be deemed to be licensed as a professional nurse under this act during the calendar year in which this act shall take effect, and such person and any person who heretofore held a certificate of registration under said act hereby repealed as aforesaid shall be entitled to a renewal of such license as in the case of professional nurses licensed originally under this act.

e. Title and abbreviations used by licensee. Any person who holds a license to practice professional nursing under this act shall during the effective period of such license be entitled to use the title "Registered Nurse" and the abbreviation "R.N." The effective period of a license or a renewal thereof shall commence on the date of issuance and shall terminate at the end of the calendar year in which it is issued, and shall not include any period of suspension ordered by the board as hereinafter provided.

1 Section 45:11-44.

45:11-27. Practical nursing

a. Qualifications of applicants. An applicant for a license to practice practical nursing shall submit to the board evidence in such form as the board may prescribe that the applicant:

(1) has attained his or her eighteenth birthday;

(2) is of good moral character, is not an habitual user of drugs and has never been convicted or has not pleaded nolo contendere, non vult contendere or non vult to an indictment, information or complaint alleging a violation of any Federal or State law relating to narcotic drugs;

(3) has completed 2 years of high school or the equivalent thereof, as determined by the New Jersey State Department of Education;

(4) has completed a course of study in a school of practical nursing approved by the board and holds a diploma therefrom, or holds a diploma from a school of practical nursing operated by a board of education in this State and is certified by the Department of Education as having completed the number of hours of instruction in the subjects in the curriculum prescribed by the board and an approved course of affiliation or has equivalent qualifications as determined by the board.

b. License.

(1) By examination. The applicant shall be required to pass a written examination in such subjects as the board may determine, which examination may be supplemented by an oral or practical examination or both. Upon successfully passing such examinations, the applicant shall be licensed by the board to practice practical nursing.

(2) By indorsement without examination. The board shall issue a license to practice practical nursing without examination to any applicant who has been duly licensed as a practical nurse or a person entitled to perform similar services under a different title by practical nurse examination or by original waiver under the laws of another State, territory or possession of the United States, or the District of Columbia, if in the opinion of the board the applicant has the qualifications required by this act for licensing of practical nurses or equivalent qualifications.

(3) Waiver. If application therefor is made, upon a form prescribed by the board, on or before September 1, 1958, the board shall issue without examination a license to practice practical nursing to an applicant who submits to the board evidence in such form as the board may prescribe that the applicant has qualifications (1) and (2) provided in subsection "a" of this section and had within 5 years prior to application at least 2 years of satisfactory experience in practical nursing, at least 1 year of which shall have been performed in this State except in cases of such nursing performed in an agency or service of the Federal Government; provided, that except in cases of such nursing performed in an agency or service of the Federal Government, such applicant is indorsed under oath by 2 physicians duly licensed to practice medicine and surgery in New Jersey who have personal knowledge of the applicant's qualifications and satisfactory performance of practical nursing and by 2 persons who have employed the applicant.

c. Fees. An applicant for license by examination shall pay to the board at the time of application a fee of \$20.00 and at the time of each application for reexamination a fee of \$10.00. At the time of application an applicant for license without examination shall pay to the board a fee of \$10.00, and an applicant for license by waiver shall pay to the board a fee of \$10.00.

d. Title used by licensee. Any person who holds a license to practice practical nursing under this act shall during the effective period of such license be entitled to practice practical nursing and to use the title "Licensed Practical Nurse" and the abbreviation "L.P.N." The effective period of a license or a renewal thereof shall commence on the date of issuance and shall terminate at the end of the calendar year in which it is issued, and shall not include any period of suspension ordered by the board as hereinafter provided.

45:11-28 to

45:11-32 Repealed by L.1979, c. 432, § 1,2 and 6, eff. Feb. 14, 1980.

45:11-33. School of professional nursing

a. Application for accreditation. Any person, partnership, association, corporation or public educational institution desiring to conduct a school of professional nursing shall submit to the board evidence in such form as the board may require that the applicant: (1) is equipped to give the course of instruction and practice set forth in the curriculum prescribed by the board, part of which instruction and practice

may, with the approval of the board, be given by arrangement with one or more agencies or institutions approved by the board for that purpose; (2) is affiliated with a hospital of such size and facilities as the board may prescribe; (3) meets such other standards and requirements as the board may prescribe. In any case other than an application by a public educational institution the board may require evidence of good moral character of all persons directly or indirectly interested in the operation of such school. Upon approval of the application the board shall issue a certificate of accreditation, which may be conditional during the first year.

b. Rights and obligations of holders of certificates of accreditation. The holder of a certificate of accreditation shall have the right during the effective period of the certificate of accreditation to conduct a school of professional nursing. The effective period of such certificate or a renewal thereof shall commence on the date of issuance and shall terminate at the end of the fiscal year, July first to June thirtieth, in which it is issued, and shall not include any period of suspension ordered by the board as hereinafter provided. An accredited school of professional nursing shall admit as students only persons possessing the preliminary educational requirements set forth in section four hereof, shall abide by and conform to the curriculum and standards of operation prescribed from time to time by the board, shall make such reports to the board as the board may require, and shall submit to such investigations by representatives of the board as the board may require.

45:11-34. Renewal of certificates of accreditation

Applications for renewal of certificates of accreditation issued under this act shall be made at such times and in such form and contain such information as the board shall prescribe.

45:11-35. Refusal to renew a certificate of accreditation;

Suspension or revocation of certificates of accreditation. The board may refuse to renew a certificate of accreditation, may suspend or revoke a certificate of accreditation for any of the following causes, attributable either to the holder of the certificate or to any person interested directly or indirectly in the operation of the school of nursing: fraud or willful misrepresentation in connection with an application for a certificate or renewal thereof; dishonesty; unfitness or incompetency; conduct derogatory to nursing; willful failure to conform to the curriculum, standards, or rules and regulations prescribed by the board; a willful violation or repeated violations of any provision of this act; conviction whether by trial, plea of guilty, non vult, or nolo contendere of any crime involving moral turpitude or evidencing unfitness to conduct a school of nursing or of a violation of this act; failure after notice from the board to remove unfit or incompetent personnel of a school. The board may revoke any certificate for mistake of the board with respect to any material matter. Except insofar as inappropriate hereto, the provisions of section ten 1 of this act shall apply to proceedings for suspension or revocation of a certificate and to a refusal to renew a certificate under this section.

1 Section 45:11-32. Repealed. See, now, § 45:1-14 et seq.

45:11-36. Repealed by L.1979, c. 432, § 1, eff. Feb. 14, 1980

45:11-37. Violations of the act

It shall be unlawful for any person (including any corporation, partnership, association or individual):

- a. After September 1, 1956, to practice or offer to practice professional nursing as defined by this act, unless such person holds an effective, unsuspended license as a registered nurse under this act; or
- b. After September 1, 1959, to practice or offer to practice practical nursing or to represent that such person is a practical nurse unless such person holds an effective, unsuspended license as a practical nurse under this act; or
- c. To represent in any way that such person is a registered nurse or to use after his or her name the abbreviation "R.N." unless such person holds an effective, unsuspended license as a professional nurse under this act; or
- d. To represent in any way that such person is licensed as a practical nurse or to use the title "Licensed Practical Nurse" or to use after his or her name the abbreviation "L.P.N." unless such person holds an effective, unsuspended license as a practical nurse under this act; or
- e. To conduct or to represent in any way that such person conducts a school for professional nursing, unless such person holds an affective, unsuspended certificate of accreditation under this act; or
- f. After January 1, 1950, to conduct or to represent in any way that such person conducts a school for practical nursing unless such person holds the subsisting, unsuspended approval of the board; or
- g. To obtain or attempt to obtain by fraud a license or renewal thereof or a certificate of accreditation or a renewal thereof under this act; or
- h. To represent in any way that such person is authorized to issue a license for the practice of professional nursing or practical nursing or a certificate of accreditation for a school of professional nursing; or
- i. To transfer, offer to transfer, or permit the use by another of any license issued under this act; or
- j. Without the approval of the board, to transfer, offer to transfer, or permit the use by another of a certificate of accreditation issued under this act; or
- k. Otherwise to violate any provision of this act; or

1. To aid or abet any person to violate any provision of this act.

Every person violating any of the foregoing provisions of this section shall be subject to a penalty of \$200.00 for each violation, and if after conviction as hereinafter provided such person shall again violate any provision of this act, such person shall be subject to a penalty of \$500.00 for each subsequent offense. A voluntary payment of a penalty for a violation of any provision of this act shall be deemed to be a conviction rendering such person liable for the greater penalty for subsequent violations, and the continuation of an offense after conviction shall be deemed to be a subsequent offense.

45:11-38,

45:11-39. Repealed by L.1979, c. 432, § 1, eff. Feb.14, 1980

45:11-40 to

45:11-42. Repealed by L.1953, c. 43, §§ 5860, eff. March 19, 1953

45:11-43. Repealed by L.1979, c. 432, § 1, eff. Feb. 14, 1980

45:11-44. Repeals

Section 18:20-4 of the Revised Statutes is hereby repealed. Sections 45:11-1 to 22, inclusive, of the Revised Statutes are hereby repealed; provided, however, that the said sections shall continue in effect for the following purposes, the necessary powers and duties vested by said sections in the New Jersey State Board of Examiners of Nurses being hereby transferred to the board:

- a. to complete all proceedings with reference to applications for registration under said chapter filed with the New Jersey State Board of Examiners of Nurses prior to the effective date of this act;
- b. to complete and to institute and complete all proceedings for revocation of certificates of registration issued under that chapter by reason of any facts arising prior to the effective date of this act.

The board is hereby empowered to take over and complete all unfinished undertakings or projects of the New Jersey State Board of Examiners of Nurses and to assume and pay all obligations incurred by that board.

45:11-45. Nurse practitioner/clinical nurse specialist

Certification act; Short title This act shall be known and may be cited as the "Nurse Practitioner/Clinical Nurse Specialist Certification Act."

45:11-46. Certification as nurse practitioner/clinical nurse specialist required

a. (1) No person shall practice as a nurse practitioner/clinical nurse specialist or present, call or represent himself as a nurse practitioner/clinical nurse specialist unless certified in accordance with sections 8 or 9 of P.L.1991, c. 377 (C. 45:11-47 or 45:11-48).

(2) Nothing in this act shall be construed to limit, preclude, or otherwise interfere with the practices of other persons licensed by appropriate agencies of the State of New Jersey, provided that such duties are consistent with the accepted standards of the person's profession and the person does not represent himself as a nurse practitioner/clinical nurse specialist.

b. No person shall assume, represent himself as, or use the titles or designations "nurse practitioner," "clinical nurse specialist" or "nurse practitioner/clinical nurse specialist" or the abbreviations "N.P.," "C.N.S.," or "N.P./C.N.S." or any other title or designation which indicates or implies that he is a nurse practitioner/clinical nurse specialist unless certified pursuant to sections 8 or 9 of P.L.1991, c. 377 (C. 45:11-47 or 45:11-48).

45:11-47. Requirements for certification

a. The New Jersey Board of Nursing may issue a certification as a nurse practitioner/clinical nurse specialist to an applicant who fulfills the following requirements:

(1) Is at least 18 years of age;

(2) Is of good moral character;

(3) Is a registered professional nurse;

(4) Has successfully completed an educational program, including pharmacology, approved by the board; and

(5) Has passed a written examination approved by the board.

b. In addition to the requirements of subsection a. of this section, an applicant for renewal of a certification as a nurse practitioner/clinical nurse specialist shall present satisfactory evidence that, in the period since the certification was issued or last renewed, all continuing education requirements have been completed as required by regulations adopted by the board.

c. The board may accept, in lieu of the written examination required by paragraph (5) of subsection a. of this section, proof that an applicant for certification holds a current certification in a state which has standards substantially equivalent to those of this State.

45:11-48. Certification issued to applicants previously certified by national accrediting organization

For 180 days following the date procedures are established by the New Jersey Board of Nursing for applying for certification under this section, the board may issue a certification as a nurse practitioner/clinical nurse specialist to an applicant who fulfills the following requirements:

- a. Is at least 18 years of age;
- b. Is of good moral character;
- c. Is a registered professional nurse; and
- d. Has been certified as a nurse practitioner, clinical nurse specialist or advanced practice nurse by a national accrediting organization, which:
 - (1) is approved by the board;
 - (2) includes pharmacology in its required curriculum; and
 - (3) requires successful completion of a written examination, including pharmacology, of all persons awarded its certificates.

45:11-49. Authority of nurse practitioner/clinical nurse specialist to perform tasks, order medications or devices, or make prescriptions; standards of joint protocols

a. In addition to all other tasks which a registered professional nurse may, by law, perform, a nurse practitioner/clinical nurse specialist may manage specific common deviations from wellness and stabilized longterm illnesses by:

- (1) initiating laboratory and other diagnostic tests; and
- (2) prescribing or ordering medications and devices, as authorized by subsections b. and c. of this section.

b. A nurse practitioner/clinical nurse specialist may order medications and devices in the inpatient setting, subject to the following conditions:

- (1) no controlled dangerous substances may be ordered;
- (2) the order is written in accordance with standing orders or joint protocols developed in agreement between a collaborating physician and the nurse practitioner/clinical nurse specialist, or pursuant to the

specific direction of a physician;

(3) the nurse practitioner/clinical nurse specialist authorizes the order by signing his own name, printing the name and certification number, and printing the collaborating physician's name;

(4) the physician is present or readily available through electronic communications;

(5) the charts and records of the patients treated by the nurse practitioner/clinical nurse specialist are reviewed by the collaborating physician and the nurse practitioner/clinical nurse specialist within the period of time specified by rule adopted by the State Commissioner of Health pursuant to section 13 of P. L.1991, c. 377 (C. 45:11-52); and

(6) the joint protocols developed by the collaborating physician and the nurse practitioner/clinical nurse specialist are reviewed, updated and signed at least annually by both parties.

c. A nurse practitioner/clinical nurse specialist may prescribe medications and devices in all other medically appropriate settings, subject to the following conditions:

(1) no controlled dangerous substances may be prescribed;

(2) the prescription is written in accordance with standing orders or joint protocols developed in agreement between a collaborating physician and the nurse practitioner/clinical nurse specialist, or pursuant to the specific direction of a physician;

(3) the nurse practitioner/clinical nurse specialist writes the prescription on the prescription blank of the collaborating physician, signs his name to the prescription and prints his name and certification number;

(4) the prescription is dated and includes the name of the patient and the name, address and telephone number of the collaborating physician;

(5) the physician is present or readily available through electronic communications;

(6) the charts and records of the patients treated by the nurse practitioner/clinical nurse specialist are periodically reviewed by the collaborating physician and the nurse practitioner/clinical nurse specialist; and

(7) the joint protocols developed by the collaborating physician and the nurse practitioner/clinical nurse specialist are reviewed, updated and signed at least annually by both parties.

d. The joint protocols employed pursuant to subsections b. and c. of this section shall conform with standards adopted by the Director of the Division of Consumer Affairs pursuant to section 12 of P.

L.1991, c. 377 (C. 45:11-51).

45:11-49.1. Home health care service firms authorized to possess and administer certain noncontrolled drugs

Notwithstanding the provisions of any other law to the contrary, a home health care agency licensed pursuant to P.L.1971, c. 136 (C. 26:2H-1 et seq.), a health care service firm registered pursuant to N.J.A.C. 13:45B-14.1 et seq., a Medicarecertified hospice program or the employees of the agency, firm or program who are registered professional nurses may purchase, store or transport for the purpose of administering to their home health patients the following noncontrolled drugs: sterile saline solution, sterile water, adrenalin/epinephrine, diphenhydramine hydrochloride, heparin flush solution and any other noncontrolled drug approved by the New Jersey Board of Nursing, in consultation with the State Board of Medical Examiners and the New Jersey Board of Pharmacy. Such drugs shall only be administered pursuant to protocols utilized by a health care professional licensed to prescribe drugs in New Jersey.

The New Jersey Board of Nursing, in consultation with the State Board of Medical Examiners and the New Jersey Board of Pharmacy, may adopt rules and regulations establishing minimum standards for the purchase, storage, handling, use and disposal of such drugs pursuant to this act.

45:11-50. Powers and duties of New Jersey Board of Nursing

In addition to such other powers as it may by law possess, the New Jersey Board of Nursing shall have the following powers and duties:

- a. To promulgate, pursuant to the "Administrative Procedure Act," P.L.1968, c. 410 (C. 52:14B-1 et seq.), rules and regulations to effectuate the purposes of this act, except for those subjects of rulemaking authority allocated to the Director of the Division of Consumer Affairs pursuant to section 12 of P. L.1991, c. 377 (C. 45:11-51) or to the State Commissioner of Health pursuant to section 13 of P.L.1991, c. 377 (C. 45:11-52);
- b. To evaluate and pass upon the qualifications of candidates for certification as nurse practitioners/clinical nurse specialists;
- c. To evaluate and pass upon national accreditation organizations and the holders of certificates from those organizations as necessary to award certificates pursuant to section 9 of P.L.1991, c. 377 (C. 45:11-48);
- d. To establish specialty areas of practice for nurse practitioners/clinical nurse specialists;
- e. To take disciplinary action, in accordance with P.L.1973, c. 73 (C. 45:1-14 et seq.) against a nurse practitioner/clinical nurse specialist who violates the provisions of this act, any regulation promulgated

thereunder, or P.L.1978, c. 78 (C. 45:1-14 et seq.);

f. To approve the examination to be taken by candidates for certification;

g. To set standards of professional conduct for nurse practitioners/clinical nurse specialists;

h. To set fees for examinations, certification and other services consistent with section 2 of P.L.1974, c. 46 (C. 45:1-3.2);

i. To set standards for and approve continuing education programs; and

j. To determine whether the requirements of another state with respect to certification as a nurse practitioner/clinical nurse specialist are substantially equivalent to those of this State in accordance with subsection c. of section 8 of P.L.1991, c. 377 (C. 45:11-47).

45:11-51. Standards for joint protocols established by Director of Division of Consumer Affairs

The Director of the Division of Consumer Affairs in the Department of Law and Public Safety may receive and shall give due consideration to advice from the Board of Nursing and the State Board of Medical Examiners in adopting standards for the joint protocols required by subsection d. of section 10 of P.L.1991, c. 377 (C. 45:11-49). The standards shall be established by rule adopted by the Director of the Division of Consumer Affairs in accordance with the "Administrative Procedure Act," P.L.1968, c. 410 (C. 52:14B-1 et seq.).

45:11-52. Time for review of charts and records of patients treated by nurse practitioner/clinical nurse specialist

The State Commissioner of Health shall, by rule adopted in accordance with the "Administrative Procedure Act," P.L.1968, c. 410 (C. 52:14B1 et seq.), establish the periods of time within which the charts and records of the patients treated by the nurse practitioner/clinical nurse specialist in an inpatient setting shall be reviewed by the nurse practitioner/clinical nurse specialist and the collaborating physician, as required by paragraph (5) of subsection b. of section 10 of P.L.1991, c. 377 (C. 45:11-49).

[Back to Table of Contents](#)