

## 54 N.J.R. 152(b)

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### RULE ADOPTIONS

#### Reporter

54 N.J.R. 152(b)

*NJ - New Jersey Register > 2022 > JANUARY > JANUARY 18, 2022 > RULE ADOPTIONS > LAW AND PUBLIC SAFETY -- DIVISION OF CONSUMER AFFAIRS*

#### Agency

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LAW AND PUBLIC SAFETY > DIVISION OF CONSUMER AFFAIRS > STATE BOARD OF NURSING

#### Administrative Code Citation

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**Adopted Amendments:** N.J.A.C. 13:37-1.2, 1.3, 1.5, 1.6, 1.7, 1.8, 1.13, 1.14, 1.15, 1.16, 1.18, 1.19, 1.20, and 2.3

**Adopted Repeal:** N.J.A.C. 13:37-1.17

**Adopted New Rule:** N.J.A.C. 13:37-1.10A

#### Text

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##### Education Programs

Proposed: January 6, 2020, at 52 N.J.R. 10(a) (The notice of proposal would have expired on January 6, 2021, but was extended by Executive Order No. 127 (2020) and P.L. 2021, c. 103, to January 1, 2022).

Adopted: June 5, 2020, by the State Board of Nursing, Barbara B. Blozen, Ed.D, MA, RN, President.

Filed: December 9, 2021, as R.2022 d.013, **with non-substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 45:11-24.

Effective Date: January 18, 2022.

Expiration Date: January 24, 2025.

**Summary** of Public Comments and Agency Responses:

The official comment period ended March 6, 2020. The Board of Nursing (Board) received comments from the following individuals:

1. Dara M. Whalen, PhD, MSPH, APN, CRNP, FNP-BC, CNE, SANE, Assistant Professor, Graduate Program Coordinator-Nursing, School of Nursing Health and Exercise Science, The College of New Jersey
2. Ivy Pearlstein, MSN, APN, FNP, Clinician Educator, School of Nursing and Exercise Science, The College of New Jersey
3. Carolyn Maxham, MA, RN, Director of Nursing (Moorestown), Lincoln Technical Institute
4. William Gottshall, MA, RN, NEA-BC, Regional Director of Nursing (Iselin and Paramus), Lincoln Technical Institute
5. Barbara Rosen, R.N., Vice President, Health Professionals and Allied Employees

1. COMMENT: Two commenters support the majority of the amendments, repeal, and new rule.

RESPONSE: The Board thanks the commenters for their support.

2. COMMENT: N.J.A.C. 13:37-1.6(b)2 requires a program administrator to have completed at least 12 credits from a college or university approved by the New Jersey Department of Education. Two commenters recommend that this rule be amended to require the college or university to be approved to offer degrees by the New Jersey Secretary of Higher Education. The commenters contend that the Secretary of [page=153] Higher Education is the only authority that may approve institutes of higher education.

RESPONSE: The Board agrees with the commenters and has changed N.J.A.C. 13:37-1.6(b)2 to recognize that the Secretary of Higher Education approves institutes of higher education.

3. COMMENT: Two commenters are concerned with N.J.A.C. 13:37-1.10A and the definition of "preceptor" in that rule. One commenter points out that the definition is specific to pre-licensure nursing programs. The commenter contends that this term should not be understood to include preceptors in advanced practice nursing programs. Preceptors in advanced practice nursing programs are nurse practitioners, nurse midwives, medical doctors, doctors of osteopathy, and, in some states, physician assistants. Another commenter contends that, in graduate level programs for advanced practice nurse students, the number of students a preceptor can supervise should be at the discretion of the preceptor and facility. The commenter is concerned with the limited supply of preceptors for advanced practice nurse programs.

RESPONSE: As one of the commenters recognized, the term "preceptor" applies solely to pre-licensure nursing programs and should not be understood to apply to preceptors in advanced practice nursing programs.

4. COMMENT: One commenter opposes N.J.A.C. 13:37-1.10A. The commenter contends that it is not feasible to require a one-to-one ratio of student to preceptor, as there is a limited number of nurses working in health care facilities. The commenter is concerned that the added responsibility for precepting

students will burden nurses and exacerbate the nursing shortage. The commenter contends that requiring nurses to precept students must occur through collective bargaining when nurses have union contracts.

RESPONSE: N.J.A.C. 13:37-1.10A does not require nurses to precept students. The section provides standards for preceptorships, when a nurse chooses to take part in such programs. The Board believes that the one-to-one relationship required by the section will help to ensure that a student is receiving an effective educational experience when engaging in a preceptorship program.

5. COMMENT: The notice of proposal Summary of N.J.A.C. 13:37-1.16 stated that amendments to that rule required notification of a change of an administrator be provided to the Board 120 days prior to the date of the change. Two commenters were concerned that their programs would not know that an administrator would be changing 120 days prior to the change.

RESPONSE: The reference to a change of an administrator in the notice of proposal Summary of N.J.A.C. 13:37-1.16 was a typographical error. The text of the amendments at N.J.A.C. 13:37-1.16 requires that notice of plans to make a major curriculum change be submitted to the Board 120 days prior to the anticipated date of the change.

### **Federal Standards Statement**

A Federal standards analysis is not required because there are no Federal laws or standards applicable to the adopted amendments, repeal, and new rule.

**Full text** of the adopted amendments and new rule follows (additions to proposal indicated in boldface with asterisks **\*thus\***; deletions from proposal indicated in brackets with asterisks \*[thus]\*):

#### SUBCHAPTER 1. PROGRAMS IN NURSING EDUCATION

##### 13:37-1.2 Application for establishment of a new program in nursing

(a) For purposes of this section, the term "calendar year" means a year beginning on January 1 and ending on December 31.

(b) An educational institution seeking to establish a new program in nursing shall submit in writing to the Board an application consisting of the following items:

1. (No change.)
2. The philosophy/mission, student learning outcomes, and outcomes of the program in accordance with N.J.A.C. 13:37-1.5;
- 3.-5. (No change.)
6. A letter from the chief executive officer which reflects that he or she has secured initial and continued financial support for the program;
7. A certificate of need; and
8. (No change in text.)

(c) An application to establish a new program in nursing shall be submitted to the Board no later than 18 months prior to the proposed establishment of a new program.

(d) After reviewing the application, the Board shall either:

1. (No change.)

2. Require revisions to the proposed program or to the materials submitted as required *\*[by]\** **\*at\*** (b) above or the submission of additional information. Revisions to the proposed program or to the application materials does not ensure that provisional accreditation will be granted by the Board; or

3. (No change.)

(e) The educational institution may request in writing an appearance before the Board for reconsideration of the revisions or denial based upon (d)2 or 3 above within 30 days of written notification of the required revisions or denial.

(f) After receiving permission to pursue the development of a new program, the educational institution shall submit to the Board the following items no later than 12 months prior to the anticipated start date of the program:

1. The number of students to be admitted to each of the first four graduating classes after establishment of the program, which shall be limited to no more than 40 students per calendar year;

2.-7. (No change.)

8. A written statement describing the support staff;

9. A written statement recognizing that a program administrator shall have at least three years of nursing education experience or 12 college credits in education as required *\*[by]\** **\*at\*** N.J.A.C. 13:37-1.6(b);

10. A preliminary agreement with clinical facilities at which students will obtain clinical education;

11. A written agreement between the educational institution and a fully accredited nursing education program documenting that, if the educational institution fails to obtain accreditation and loses its provisional accreditation, the accredited nursing program will accept any nursing students that are enrolled in the educational institution at the time it loses provisional accreditation; and

12. A written plan for evaluating the governance, faculty, resources, curriculum, and program outcomes of the nursing program. The plan shall identify the communities of interest, which include any person or group who is interested in the quality of graduates from a nursing program, and shall include:

i. (No change in text.)

Recodify existing iv.-v. as ii.-iii. (No change in text.)

(g) After reviewing the materials required *\*[by]\** **\*at\*** (f) above, the Board shall either:

1. (No change.)

2. Require revisions to the program or the program materials required \*[by]\* **\*at\*** (f) above or the submission of additional information. Revisions to the program or program materials do not ensure that provisional accreditation will be granted by the Board; or

3. (No change.)

(h) The educational institution may request, in writing, an appearance before the Board for reconsideration of the revisions or denial based upon (g)2 or 3 above within 30 days of written notification of the required revisions or denial.

#### 13:37-1.3 Provisional accreditation

(a) (No change.)

(b) A nurse education program granted provisional accreditation shall not admit more than 40 students per calendar year.

(c)-(f) (No change.)

#### 13:37-1.5 Faculty responsibility for philosophy/mission, and student learning outcomes

(a) The faculty shall develop, and revise as necessary, a statement of philosophy/mission, and student learning outcomes, and program outcomes which are consistent with the definition of nursing as set forth \*[in]\* **\*at\*** N.J.S.A. 45:11-23(b).

(b) The nursing program shall incorporate competencies required for the successful entry of the nursing graduate into practice.

(c) (No change in text.)

[page=154] (d) The faculty shall be able to show that the philosophy/mission, student learning outcomes, and program outcomes have been integrated into the total program of learning.

(e) The philosophy/mission, student learning outcomes, and program outcomes shall be communicated to students, cooperating affiliates, advisory committees, and communities of interest as outlined in the plan required pursuant to N.J.A.C. 13:37-1.2(f)11.

(f) Faculty shall have input in determining whether the nursing program needs admission requirements in addition to those required by the institution and shall have input in developing those additional requirements.

(g) Grading or educational requirement policies shall either be congruent with institutional policies and mission or, if not congruent, be justified by the nursing program.

(h) (No change in text.)

(i) Nursing programs shall inform students in writing if any grading or educational requirements are changed while students are enrolled in the nursing program.

#### 13:37-1.6 Maintaining accreditation; qualifications of program administrators

(a) (No change.)

(b) A program administrator who began his or her current employment position after \*[(the effective date of this amendment)]\* **\*January 18, 2022\***, shall have completed either:

1. At least three years of full-time experience working in an accredited or approved nursing education program; or

2. At least 12 credits in education from a college or university \*[accredited]\* **\*approved\*** by the New Jersey \*[Department]\* **\*Secretary\*** of **\*Higher\*** Education or an agency of another state with requirements substantially similar to the requirements of the New Jersey \*[Department]\* **\*Secretary\*** of **\*Higher\*** Education.

Recodify existing (b)-(c) as (c)-(d) (No change in text.)

(e) An administrator of a practical nursing program shall, in addition to the requirements \*[of]\* **\*at\*** N.J.A.C. 13:37-1.7, hold a master's degree in nursing. An administrator for a practical nursing program who began his or her employment prior to April 21, 2003, shall not be required to hold a master's degree in nursing but shall be required to hold a bachelors degree in nursing with additional courses in the field of education.

(f) (No change in text.)

13:37-1.7 Maintaining accreditation: faculty qualifications

(a) (No change.)

(b) Faculty members shall:

1. Hold current licensure in New Jersey as a registered professional nurse, if they are physically located in New Jersey while teaching;

2. If they are not physically located in New Jersey while teaching, hold current licensure as a registered professional nurse in New Jersey or another state; and

3. Have documentation that shows that they have taken courses in, or have professional or clinical experience in, the specific area of teaching responsibility.

(c) Faculty in baccalaureate degree programs, associate degree programs, and diploma programs who began their current employment position after September 1, 1981, shall hold either a master's degree or a doctoral degree with a major in nursing.

(d) One-half of the faculty in licensed practical nursing programs who began their current employment position after \*[(the effective date of this amendment)]\* **\*January 18, 2022\***, shall hold master's or doctoral degrees in nursing. The remainder of the faculty who began their current employment position after \*[(the effective date of this amendment)]\* **\*January 18, 2022\***, shall hold baccalaureate degrees in nursing.

(e) (No change in text.)

(f) (No change in text.)

13:37-1.8 Maintaining accreditation: curriculum organization and content

(a)-(b) (No change.)

(c) The nursing curriculum shall be based on the philosophy/mission, student learning outcomes, and program outcomes that the faculty have developed pursuant to N.J.A.C. 13:37-1.5.

(d)-(e) (No change.)

(f) The nursing curriculum of all professional nursing education programs shall include:

1. (No change.)

2. Nursing courses concurrent with clinical experiences in a variety of settings that include:

i.-x. (No change.)

xi. Socialization to the role of the professional nurse;

xii. Organ and tissue donation and recovery designed to address clinical aspects of the donation and recovery process;

xiii. Evidence-based practice; and

xiv. Review of National Patient Safety Goals, available from the Joint Commission, One Renaissance Blvd., Oakbrook Terrace, IL 60181.

(g) The curriculum of a practical nursing education program shall:

1. (No change.)

2. Contain nursing courses concurrent with clinical experiences that include:

i. (No change.)

ii. Medical-surgical nursing;

iii. Pediatric nursing;

iv. Obstetric nursing;

v. Psychiatric and mental health nursing;

Recodify existing ii.-iv. as vi.-viii. (No change in text.)

ix. Cultural implications of practice;

x. Delegation from a registered professional nurse pursuant to N.J.A.C. 13:37-6.2, and delegation from a licensed physician or licensed dentist;

xi. Interdisciplinary collaboration at the level of practice of the licensed practical nurse;

xii. (No change in text.)

xiii. Socialization to the role of the practical nurse;

xiv. Review of National Patient Safety Goals, available from the Joint Commission, One Renaissance Blvd., Oakbrook Terrace, IL 60181; and

3. Be at least 30 academic credits or 1,500 hours long, excluding holidays and vacations.

(h) (No change.)

#### 13:37-1.10A Preceptors

(a) For purposes of this section, "preceptor" means a registered professional nurse employed by a health care entity licensed by the Department of Health who has agreed to supervise a student's clinical learning experience and who has either:

1. A doctoral, master's, or bachelor's degree in nursing; or
2. Five years of experience working in a health care entity licensed by the Department of Health.

(b) A preceptor shall not be considered a faculty member and shall not be required to meet the qualifications \*[of]\* **\*at\*** N.J.A.C. 13:37-1.7.

(c) Notwithstanding N.J.A.C. 13:37-1.7(f) and 1.10(b)6, a faculty member shall supervise no more than 20 students who are working with preceptors.

(d) A preceptor shall only work with one student at a time.

(e) A program shall permit students to work with a preceptor during:

1. The last semester of a doctoral, master's, or baccalaureate degree program; or
2. The last semester or clinical course of an associate degree, diploma, or practical nursing program.

#### 13:37-1.13 Renewing accreditation

Recodify existing (b)-(e) as (a)-(d) (No change in text.)

#### 13:37-1.14 Waiver of on-site visits for accreditation renewal

(a) The on-site visit required pursuant to N.J.A.C. 13:37-1.12(b) and 1.13 may be waived if the program requests a waiver of the site visit in writing. The waiver request shall include:

1. Documentation that the nursing program is accredited by either the Accreditation Commission for Education in Nursing (ACEN), the [page=155] Commission on Collegiate Nursing Education (CCNE), or the Commission for Nursing Education Accreditation (CNEA);

2. A self-study by the nursing program which evaluates its compliance with the accreditation standards of the Board and either the ACEN, CCNE, or CNEA;

3. The site survey report from either the ACEN, CCNE, or CNEA that has reviewed and evaluated the program; and



4. The final report from either the ACEN, CCNE, or CNEA.

(b) A program that has been granted a waiver of the on-site visit pursuant to (a) above shall notify the Board within 30 days of the change if the ACEN, CCNE, or CNEA accreditation status changes.

(c) If the Board is notified that a program's ACEN, CCNE, or CNEA accreditation status has changed, the Board shall send a representative to conduct an on-site visit of the program to verify that the program conforms to the rules of this subchapter. A program that does not conform to the rules of this subchapter shall be placed on conditional accreditation pursuant to N.J.A.C. 13:37-1.18.

13:37-1.15 Maintaining accreditation: program recordkeeping and reporting requirements

(a) (No change.)

(b) Every nursing program shall maintain a record of all nursing committee minutes for a minimum of three years.

(c) Every nursing program shall ensure that records are maintained so that they provide accurate recording of student academic data. Records shall be stored in a manner to prevent loss by destruction and unauthorized use.

(d) (No change.)

(e) An annual report of the school of nursing shall be submitted to the Board, or its designee, on forms supplied by the Board, or its designee.

13:37-1.16 Changes to a nursing program

(a) A nursing program shall notify the Board in writing 30 days prior to any changes in ownership.

(b) (No change.)

(c) A nursing program that plans to make any major curriculum changes shall submit the requested change to the Board in writing and provide the information required *\*[in]\* \*at\** (e) below a minimum of 120 days prior to the anticipated date of the change. The Board shall review the request to determine whether the requested change is in compliance with this subchapter.

(d) Major curriculum changes are:

1. An increase or decrease in the number of required credits in nursing; or
2. (No change in text.)

(e) A request for a change in the curriculum shall include:

- 1.-2. (No change.)
3. A timetable and course sequence outline for implementation of the change; and
4. (No change.)

(f)-(h) (No change.)

13:37-1.17 (Reserved)

13:37-1.18 Conditional accreditation: subchapter requirements

(a)-(e) (No change.)

(f) (No change in text.)

(g) The eligibility of students to take the licensing examination shall not be affected in the event a program is placed on conditional accreditation.

13:37-1.19 Probation

(a) For purposes of this section, the term "calendar year" means a year beginning on January 1 and ending on December 31.

(b) A nursing program on conditional accreditation status that does not achieve the outcomes identified in the action plan required *\*[by]\** *\*at\** N.J.A.C. 13:37-1.18(e) in 18 months shall be placed on probation.

(c) If, for three successive calendar years, less than 75 percent of a nursing program's graduates pass the licensing examination the first time the examination is taken, the Board shall place the program on probation. Probation shall become effective upon the program's receipt of the written notification.

(d) A nursing program that is placed on probation may request in writing an appearance before the Board.

(e) (No change in text.)

(f) A program on probation shall not admit new or transfer students.

(g) A nursing program that is placed on probation pursuant to (b) above, shall revise the action plan with outcomes to be achieved in one calendar year and submit the action plan to the Board.

(h) A nursing program that is placed on probation pursuant to (c) above shall submit to the Board, within 90 days of receiving written notification of being placed on probation, an 18-month action plan with a timeline and measurable outcomes to correct any deficiencies. The outcomes identified in the action plan shall include that within the next calendar year at least 75 percent of graduates who take the examination for the first time will pass the examination the first time they take it.

(i) A program on probation that determines that it cannot accomplish its outcomes within one calendar year may request an extension of the one-year time period from the Board. A request for an extension shall set forth the reasons why the program needs an extension.

(j) A program that does not achieve the outcomes identified in the action plan within one calendar year, and which has not been granted an extension pursuant to (i) above, shall not be eligible for restoration to accredited status. A program that has been granted an extension and does not achieve the outcomes identified in the action plan by the end of the extension shall not be eligible for restoration to accredited status. A program that is not eligible for restoration of accredited status shall no longer be accredited. A program that is no longer accredited may reapply for accreditation pursuant to N.J.A.C. 13:37-1.2.

(k) The eligibility of graduates to take the licensing examination shall not be affected in the event a program is placed on probation.

13:37-1.20 Program termination

(a) (No change.)

(b) The eligibility of graduates to take the licensing examination shall not be affected in the event a program terminates.

(c)-(d) (No change.)

(e) Programs that voluntarily terminate or that terminate due to loss of accreditation shall provide the Board with lists of:

1. All students enrolled in the program at the time of termination, with anticipated graduation dates;
2. All students who graduated from the program from its inception; and
3. All graduates of the program for whom the program submitted letters of completion, with dates of graduation.

SUBCHAPTER 2. LICENSURE BY EXAMINATION; REGISTERED PROFESSIONAL AND LICENSED PRACTICAL NURSES

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

(a) (No change.)

(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 the area(s) of deficiency offered by a practical nursing education program approved by the Board pursuant to N.J.A.C. 13:37-1.

(c) A graduate of a foreign registered professional nursing program who has not taken courses in medical, surgical, pediatric, obstetric, or psychiatric nursing shall complete a course in the area(s) of deficiency offered by a registered professional nursing program accredited by the Board pursuant to N.J.A.C. 13:37-1.

(d) (No change in text.)

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