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RULE ADOPTIONS
LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY BOARD OF NURSING

Adopted Amendments: N.J.A.C. 13:37-5.5, 7.1, 7.3, 7.10, 13.1 and 13.2
Adopted New Rules: N.J.A.C. 13:37-7.3, 7.10
Adopted Repeals: N.J.A.C. 13:37-7.4 and 7.11
Adopted Repeals and New Rules: N.J.A.C. 13:37-7.2 and 7.5 through 7.9

Certification of Advanced Practice Nurses

Proposed: May 21, 2007 at 39 N.J.R. 1991(b).

Adopted: October 16, 2007 by the Board of Nursing, Leo-Felix Jurado, President.

Filed: May 20, 2008 as R.2008 d.160, with substantive and technical changes not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3) with proposed new N.J.A.C. 13:37-7.12 not adopted.

Authority: N.J.S.A. 45:11-24 and 45:11-50.

Effective Date: June 16, 2008.

Expiration Date: July 6, 2010.

Federal Standards Statement

A Federal standards analysis is not required because there are no applicable Federal laws or standards.

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks *thus*; deletions from proposal indicated in brackets with asterisks *[thus]*):

13:37-5.5 Fee schedule

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

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

1.-2. (No change.)

3. Renewal of certification (biennial)

i. Active..... 160.00

ii. Inactive..... 80.00

4. (No change.)

Recodify existing 6. and 7. as 5. and 6. (No change in text.)

(d)-(f) (No change.)

SUBCHAPTER 7. CERTIFICATION OF ADVANCED PRACTICE NURSES

13:37-7.1 Application for certification

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

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

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

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

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

1. A completed application form;

2. Proof that the applicant has successfully completed the educational requirements of an advanced practice nurse as set forth in N.J.A.C. 13:37-7.2 or, when the advanced practice nurse specializes in anesthesia and does not hold a masters degree, the certification requirements of N.J.A.C. 13:37-7.5. The applicant shall submit to the Board a transcript showing successful completion of an advanced practice nurse program that meets the requirements of N.J.A.C. 13:37-7.2(a);

3. Proof that the applicant has successfully completed the examination requirements set forth in N.J.A.C. 13:37-7.4 within the last year prior to the date of application or, for applicants specializing in anesthesia who do not hold a masters degree, the certification requirements of N.J.A.C. 13:37-7.5. Applicants specializing in anesthesia who have successfully completed the examination requirements of N.J.A.C. 13:37-7.4 need not show that they have completed that examination within the last year if they apply between *[(the effective date of this amendment)]* *June 16, 2008* and *[(one year from the effective date of this amendment)]* *June 16, 2009*;

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

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

13:37-7.2 Educational requirements for certification

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

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

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

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

(c) Each applicant shall have successfully completed at least 39 hours in pharmacology during the education program

referred to in (a) above.

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

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

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

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

1. The applicant has completed the educational requirements of N.J.A.C. 13:37-7.2 or 7.5; and
2. The applicant has applied to take the examination required by N.J.A.C. 13:37-7.4.

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

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

13:37-7.4 Examination requirements for certification

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

13:37-7.5 Educational and examination certification requirements in the area of anesthesia on or before *[(one year after the effective date of this new rule)]* *June 16, 2009*

(a) An applicant who does not possess a masters degree who is seeking certification as an advanced practice nurse in the specialty area of anesthesia on or before *[(one year from the effective date of these rules)]* *June 16, 2009* shall be certified, provided the applicant is licensed as a registered nurse in New Jersey and submits the following to the Board:

1. Proof of successful completion of an education program accredited and/or approved by the Council on Accreditation of Nurse Anesthesia Educational Programs;
2. Proof of current re-certification by the Council on Recertification of Nurse Anesthetists *[of the AANA]*;
3. Proof that the applicant has worked for a minimum of 1600 hours as a nurse anesthetist over the previous 24 months; and
4. Proof that the applicant has completed:

- i. At least 39 hours in pharmacology during the program referred to in (a)1 above or at least three credits of graduate level course work in pharmacology from a school accredited by a nursing accrediting association recognized by the U.S. Department of Education; and
- ii. Six contact hours in pharmacology related to controlled dangerous substances, including pharmacologic therapy and addiction prevention and management, offered by either an organization that has been approved by a credentialing agency accredited by the National Commission for Certifying Agencies or a college or university licensed by either the New Jersey Commission on Higher Education or an agency of another state with requirements substantially similar to the requirements of the New Jersey Commission on Higher Education.

13:37-7.6 Certification by endorsement

- (a) An advanced practice nurse certified in another state shall be eligible for certification in this State without meeting the examination requirements of N.J.A.C. 13:37-7.4 if the educational requirements of the state in which he or she is certified are substantially similar to the educational requirements of this State.
- (b) An applicant for advanced practice nurse certification who is certified in another state shall submit to the Board:
 1. A completed application form, which contains biographical, educational and experiential data concerning the applicant;
 2. Verification of certification as an advanced practice nurse in good standing in another state;
 3. Proof that the applicant has successfully completed the educational requirements of an advanced practice nurse as set forth in N.J.A.C. 13:37-7.2. The applicant shall submit to the Board a transcript showing successful completion of an advanced practice nurse program from the school(s) where the applicant completed the educational requirements. An applicant applying for certification through endorsement shall not be required to meet the requirements of N.J.A.C. 13:37-7.2(b);
 4. Proof that the applicant is currently certified by a national certifying agency that is accredited by the American Board of Nursing Specialties and/or the National Commission for Certifying Agencies; and
 5. The application fee set forth in N.J.A.C. 13:37-5.5(e).

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

- (a) All certificates for advanced practice nurses shall be issued for a two-year certification period, which coincides with the advanced practice nurse's registered professional nurse licensure renewal period. An advanced practice nurse who seeks renewal of the certificate shall submit a renewal application, proof that the applicant is currently certified by a national certifying agency that is accredited by the American Board of Nursing Specialties and/or the National Commission for Certifying Agencies and the renewal fee set forth in N.J.A.C. 13:37-5.5 prior to the expiration date of the certificate. An advanced practice nurse who is certified prior to *[(the effective date of this new rule)]* *June 16, 2008* shall not have to show that he or she is certified by a national certifying agency *[until the biennial period (two years from the effective date of this new rule)]*.
- (b) The Board shall send a notice of renewal to each advanced practice nurse, at least 60 days prior to the expiration of his or her certificate. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for failure to renew.
- (c) If an advanced practice nurse does not renew the certificate prior to its expiration date, the advanced practice nurse may renew the certificate within 30 days of its expiration by submitting a renewal application, proof that the applicant is currently certified by a national certifying agency that is accredited by the American Board of Nursing Specialties and/or the National Commission for Certifying Agencies, a renewal fee and a late fee, as set forth in N.J.A.C. 13:37-

5.5.

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

(e) An advanced practice nurse whose certificate has been automatically suspended for five years or less for nonpayment of a biennial renewal fee pursuant to (c) above may be reinstated by the Board upon completion of the following:

1. Payment of the reinstatement fee and all past delinquent biennial renewal fees pursuant to N.J.A.C. 13:37-5.5;
2. Completion of the continuing education units required under N.J.A.C. 13:37-7.8 for each biennial registration period for which the advanced practice nurse was suspended; and
3. Submission of an affidavit of employment listing each job held during the period the certificate was suspended, including the name, address, and telephone number of each employer.

(f) An advanced practice nurse whose certificate has been automatically suspended for failure to renew for more than five years who wishes to have his or her certificate reinstated shall reapply for certification pursuant to N.J.A.C. 13:37-7.1. The applicant shall fulfill all of the initial licensure requirements, including retaking the examination required by N.J.A.C. 13:37-7.1(d)3. An applicant reapplying for certification shall not be required to meet the requirements of N.J.A.C. 13:37-7.2(b).

(g) Renewal applications shall provide the advanced practice nurse with the option of either active or inactive status. An advanced practice nurse electing inactive status shall pay the inactive certificate fee set forth in N.J.A.C. 13:37-5.5 and shall not practice as an advanced practice nurse.

(h) An advanced practice nurse who elected inactive status and has been on inactive status for five years or less may be reinstated by the Board upon completion of the following:

1. Payment of the active status fee set forth in N.J.A.C. 13:37-5.5;
2. The completion of the continuing education units required for each biennial registration period for which the advanced practice nurse was on inactive status; and
3. Submission of an affidavit of employment listing each job held during the period the advanced practice nurse was on inactive status, including the name, address, and telephone number of each employer.

(i) An advanced practice nurse who has been on inactive status for more than five years who wishes to return to practice shall reapply for certification pursuant to N.J.A.C. 13:37-7.1. The applicant shall fulfill all of the initial licensure requirements, including retaking the examination required by N.J.A.C. 13:37-7.1(d)3. An applicant reapplying for certification shall not be required to meet the requirements of N.J.A.C. 13:37-7.2(b).

(j) An advanced practice nurse who was initially certified by the Board in an area of practice that was approved by the Board prior to *[(the effective date of this new rule)]* *June 16, 2008* shall be permitted to renew certification for that practice.

13:37-7.8 Continuing education

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

(b) By *[(six months from effective date of this new rule)]* *June 16, 2009*, every advanced practice nurse shall have

completed six contact hours in pharmacology related to controlled dangerous substances, including pharmacologic therapy and addiction prevention and management, presented by:

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

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

13:37-7.9 Prescriptive practice

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

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

*[(b)]***(c)* An advanced practice nurse who issues prescriptions in any setting other than in a licensed acute care or long-term care facility may issue written prescriptions for medications to patients only on New Jersey Prescription Blanks in accordance with N.J.S.A. 45:14-55.

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

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

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

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

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

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

13:37-7.10 Requirements for dispensing medications

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

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

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

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

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

[(e) Every medication dispensed, in whatever dosage form, shall be placed in a separate container with a safety closure cap, unless the patient requests otherwise or the drug is a pharmaceutical sample, which has been packaged and labeled by the manufacturer.]

[(e) (Reserved)]

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

1. The full name of the patient;
2. The complete name of the medication dispensed;
3. The strength and quantity of the medication dispensed;

4. Instructions as to the frequency of use;
5. Special precautions, if appropriate;
6. The date of dispensing;
7. The expiration date of the medication;
8. A list of the ingredients if the medication was compounded, not manufactured; and
9. The identity of the dispensing advanced practice nurse.

*[(g) Medications dispensed as a pharmaceutical sample shall bear a legible label, which includes;

1. The complete name of the medication dispensed;
2. The strength and quantity of the medication dispensed;
3. Instructions as to the frequency of use;
4. Special precautions, if appropriate; and
5. The expiration date of the medication.]*

(g) (Reserved)

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

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

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

1. Not dispense the medication or a substantially equivalent medication in a quantity or in dosages greater than that which would allow the patient a seven-day supply;
2. Not dispense the medication or a substantially equivalent medication more than once every 30 days;
3. Assure that information is given to the patient regarding the availability of the medication outside of the advanced practice nurse's office; and
4. Disclose to the patient in advance of purchase and again on the bill the actual acquisition cost of the medication.

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

1. The office at which the dispensing occurs is situated 10 or more miles from the nearest licensed pharmacy;
2. The medication is dispensed pursuant to an oncological or AIDS protocol;
3. The medication dispensed is a salve, ointment or drops; or
4. The medication is dispensed in, and directly related to, the services rendered to the patient at:
 - i. A hospital emergency room;

ii. A student health center at an institution of higher education; or

iii. A publicly subsidized community health center, family planning clinic or prenatal clinic.

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

13:37-7.11 Practice as a registered professional nurse

Nothing in N.J.S.A. 45:11-45 et seq. or this subchapter shall be construed to limit, preclude or otherwise interfere with the practice of nursing as defined by N.J.S.A. 45:11-23 by a person licensed as a registered professional nurse in this State, provided that the licensee does not represent himself or herself as an advanced practice nurse.

*[13:37-7.12 Scope of practice

An advanced practice nurse shall only practice in the area of specialization in which the advanced practice nurse received his or her education and hold certification from an agency accredited by the American Board of Nursing Specialties and/or the National Commission for Certifying Agencies.]*

13:37-13.1 Nurse anesthetist practice

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

(c) This section shall expire *[(one year from the effective date of this amendment)]* *June 16, 2009*. A nurse anesthetist who has not obtained certification as an advanced practice nurse shall cease to administer anesthesia on *[(one year from the effective date of this amendment)]* *June 16, 2009*.

13:37-13.2 Practice pending the results of the examination

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

(c) This section shall expire *[(one year from the effective date of this amendment)]* *June 16, 2009*.