

## 54 N.J.R. 1415(a)

VOLUME 54, ISSUE 14, JULY 18, 2022

### RULE ADOPTIONS

#### Reporter

54 N.J.R. 1415(a)

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#### Agency

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

#### Administrative Code Citation

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**Adopted New Rules: N.J.A.C. 13:37-5.4 and 14.18**

#### Text

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##### **Power of Attorney and Loan Ban**

Proposed: February 22, 2022, at 54 N.J.R. 336(a).

Adopted: June 3, 2022, by the Board of Nursing, Barbara B. Blozen, Ed.D, M.A., RN, President.

Filed: June 22, 2022, as R.2022 d.094, **without change.**

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

Effective Date: July 18, 2022.

Expiration Date: January 24, 2025.

##### **Summary of Public Comment and Agency Response:**

The official comment period ended April 23, 2022. **No comments were received.**

##### **Federal Standards Statement**

A Federal standards analysis is not required because the adopted new rules do not involve any Federal standards or requirements.

**Full text** of the adoption follows:

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

13:37-5.4 Power of attorney; financial misconduct

(a) A licensee or certificant shall not have power of attorney over a patient or former patient.

(b) A licensee or certificant shall not accept a monetary loan from a patient or former patient.

(c) Any time a licensee or certificant is given money in an amount greater than \$ 50.00, or a gift valued at greater than \$ 50.00, directly by a patient, a patient's family, or a patient's guardian, the licensee or certificant must document:

1. The amount of money or value of the gift;
2. The date the gift was provided; and
3. The name and signature of the patient, patient's family member, or patient's guardian who provided the gift.

(d) The documentation required at (c) above shall be maintained by the licensee or certificant and be provided to the Board upon request.

(e) Failure to comply with (a), (b), (c), or (d) above shall be deemed professional misconduct pursuant to N.J.S.A. 45:1-21(e).

SUBCHAPTER 14. HOMEMAKER-HOME HEALTH AIDES

13:37-14.18 Power of attorney; financial misconduct

(a) A certified homemaker-home health aide shall not have power of attorney over a client or former client.

(b) A certified homemaker-home health aide shall not accept a monetary loan from a client or former client.

(c) Any time a certified homemaker-home health aide is given money in an amount greater than \$ 50.00, or a gift valued at greater than \$ 50.00, directly by a client, a client's family, or a client's guardian, the certified homemaker-home health aide must document:

1. The amount of money or value of the gift;
2. The date the gift was provided; and
3. The name and signature of the client, client's family member, or client's guardian who provided the gift.

(d) The documentation required at (c) above shall be:

1. Signed by the certified homemaker-home health aide and a representative of the agency that employs the homemaker-home health aide;

2. Maintained by the agency that employs the homemaker-home health aide; and

3. Provided to the Board upon request.

(e) Failure to comply with (a), (b), (c), or (d) above shall be deemed professional misconduct pursuant to N.J.S.A. 45:1-21(e).

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