

VOLUME 47, ISSUE 21
ISSUE DATE: **NOVEMBER 2, 2015**
RULE ADOPTIONS
LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY BOARD OF NURSING

Adopted Repeal: N.J.A.C. 13:37-5.6

Responsibilities of Licensure

Proposed: October 6, 2014, at 46 N.J.R. 2010(a).

Adopted: March 6, 2015, by the Board of Nursing, Patricia Ann Murphy, Ph.D, APN, President.

Filed: October 6, 2015, as R.2015 d.167, **without change**.

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

Effective Date: November 2, 2015.

Summary of Public Comments and Agency Responses follows:

The official comment period ended December 5, 2014. In order to ensure compliance with P.L. 2013, c. 259, the comment period was extended through January 4, 2015. The Board received two comments from the following individuals:

1. Melinda Martinson, General Counsel, Medical Society of New Jersey
2. Tyla Housman, Deputy Director, Government Relations and Policy, New Jersey Hospital Association

COMMENT: A commenter supports the repeal of N.J.A.C. 13:37-5.6. The commenter believes that the repeal of this rule will help to eliminate barriers that keep hospitals from employing nurses in roles outside of traditional nursing positions.

RESPONSE: The Board thanks the commenter for her support.

COMMENT: A commenter opposes the repeal of N.J.A.C. 13:37-5.6. The commenter contends that the stated purpose for the repeal, addressing perceived barriers to employment, is adequately addressed by the Board acknowledging that the rule does not impose such barriers. The commenter contends that N.J.A.C. 13:37-5.6 protects patients and is concerned that the Social Impact statement in the notice of proposal did not address negative impacts on patient safety. The commenter contends that the rule should not be repealed as it holds nurses to their highest level of licensure, which impacts the quality of healthcare and patient care.

RESPONSE: The Board disagrees that it does not need to repeal the rule in order to remove perceived barriers to employment. The Board also disagrees that the repeal will endanger patient safety. The Board believes that repealing the provision will not change the care that a nurse provides in the role he or she is acting within, as a nurse will still be held to the standards of practice associated with his or her licensure.

Federal Standards Statement

A Federal standards analysis is not required because there are no Federal laws or standards applicable to the adopted repeal.

Full text of the adoption follows:

13:37-5.6 (Reserved)