

# ASSEMBLY, No. 906

## STATE OF NEW JERSEY 216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

**Sponsored by:**

**Assemblywoman NANCY F. MUNOZ**  
**District 21 (Morris, Somerset and Union)**  
**Assemblywoman MILA M. JASEY**  
**District 27 (Essex and Morris)**  
**Assemblyman DANIEL R. BENSON**  
**District 14 (Mercer and Middlesex)**  
**Assemblyman CRAIG J. COUGHLIN**  
**District 19 (Middlesex)**

**Co-Sponsored by:**

**Assemblyman Diegnan, Assemblywomen Sumter, Caride, Assemblymen McKeon, DeAngelo, Assemblywomen Stender, Schepisi and Assemblyman Ciattarelli**

**SYNOPSIS**

“Consumer Access to Health Care Act”; eliminates requirement of joint protocol with physician for advanced practice nurses to prescribe medication.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



**(Sponsorship Updated As Of: 12/5/2014)**

1 AN ACT concerning advanced practice nurses and designated as the  
2 “Consumer Access to Health Care Act,” and amending and  
3 repealing parts of the statutory law.  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. Section 1 of P.L.1947, c.262 (C.45:11-23) is amended to  
9 read as follows:

10 1. As used in this act:

11 a. The words “the board” mean the New Jersey Board of  
12 Nursing created by this act.

13 b. The practice of nursing as a registered professional nurse is  
14 defined as diagnosing and treating human responses to actual or  
15 potential physical and emotional health problems, through such  
16 services as casefinding, health teaching, health counseling, and  
17 provision of care supportive to or restorative of life and well-being,  
18 and executing medical regimens as prescribed by a licensed or  
19 otherwise legally authorized physician or dentist. Diagnosing in the  
20 context of nursing practice means the identification of and  
21 discrimination between physical and psychosocial signs and  
22 symptoms essential to effective execution and management of the  
23 nursing regimen within the scope of practice of the registered  
24 professional nurse. Such diagnostic privilege is distinct from a  
25 medical diagnosis. Treating means selection and performance of  
26 those therapeutic measures essential to the effective management  
27 and execution of the nursing regimen. Human responses means  
28 those signs, symptoms, and processes which denote the individual’s  
29 health need or reaction to an actual or potential health problem.

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

37 The terms “nursing,” “professional nursing,” and “practical  
38 nursing” as used in this act shall not be construed to include nursing  
39 by students enrolled in a school of nursing accredited or approved  
40 by the board performed in the prescribed course of study and  
41 training, nor nursing performed in hospitals, institutions, and  
42 agencies approved by the board for this purpose by graduates of  
43 such schools pending the results of the first licensing examination  
44 scheduled by the board following completion of a course of study  
45 and training and the attaining of age qualification for examination,

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 or thereafter with the approval of the board in the case of each  
2 individual pending results of subsequent examinations; nor shall  
3 any of said terms be construed to include nursing performed for a  
4 period not exceeding 12 months unless the board shall approve a  
5 longer period, in hospitals, institutions, or agencies by a nurse  
6 legally qualified under the laws of another state or country, pending  
7 results of an application for licensing under this act, if such nurse  
8 does not represent or hold himself or herself out as a nurse licensed  
9 to practice under this act; nor shall any of said terms be construed to  
10 include the practice of nursing in this State by any legally qualified  
11 nurse of another state whose engagement made outside of this State  
12 requires such nurse to accompany and care for the patient while in  
13 this State during the period of such engagement, not to exceed six  
14 months in this State, if such nurse does not represent or hold  
15 himself **or herself** out as a nurse licensed to practice in this State;  
16 nor shall any of said terms be construed to include nursing  
17 performed by employees or officers of the United States  
18 Government or any agency or service thereof while in the discharge  
19 of his **or her** official duties; nor shall any of said terms be  
20 construed to include services performed by **nurses** nurses' aides,  
21 attendants, orderlies and ward helpers in hospitals, institutions, and  
22 agencies or by technicians, physiotherapists, or medical secretaries,  
23 and such duties performed by said persons aforementioned shall not  
24 be subject to rules or regulations which the board may prescribe  
25 concerning nursing; nor shall any of said terms be construed to  
26 include first aid nursing assistance, or gratuitous care by friends or  
27 members of the family of a sick or infirm person, or incidental care  
28 of the sick by a person employed primarily as a domestic or  
29 housekeeper, notwithstanding that the occasion for such  
30 employment may be sickness, if such incidental care does not  
31 constitute professional nursing and such person does not claim or  
32 purport to be a licensed nurse; nor shall any of said terms be  
33 construed to include services rendered in accordance with the  
34 practice of the religious tenets of any well-recognized church or  
35 denomination which subscribes to the art of healing by prayer. A  
36 person who is otherwise qualified shall not be denied licensure as a  
37 professional nurse or practical nurse by reason of the circumstances  
38 that such person is in religious life and has taken a vow of poverty.

39 c. "Homemaker-home health aide" means a person who is  
40 employed by a home care services agency and who is performing  
41 delegated nursing regimens or nursing tasks delegated through the  
42 authority of a duly licensed registered professional nurse. "Home  
43 care services agency" means home health agencies, assisted living  
44 residences, comprehensive personal care homes, assisted living  
45 programs or alternate family care sponsor agencies licensed by the  
46 Department of Health **and Senior Services** pursuant to P.L.1971,  
47 c.136 (C.26:2H-1 et al.), nonprofit homemaker-home health aide

1 agencies, and health care service firms regulated by the Director of  
2 the Division of Consumer Affairs in the Department of Law and  
3 Public Safety and the Attorney General pursuant to P.L.1989, c.331  
4 (C.34:8-43 et seq.) and P.L.1960, c.39 (C.56:8-1 et seq.)  
5 respectively, which are engaged in the business of procuring or  
6 offering to procure employment for homemaker-home health aides,  
7 where a fee may be exacted, charged, or received directly or  
8 indirectly for procuring or offering to procure that employment.

9 d. “Advanced practice nurse” means a person who holds a  
10 certification in accordance with section 8 or 9 of P.L.1991, c.377  
11 (C.45:11-47 or 45:11-48).

12 e. **【**“Collaborating physician” means a person licensed to  
13 practice medicine and surgery pursuant to chapter 9 of Title 45 of  
14 the Revised Statutes who agrees to work with an advanced practice  
15 nurse.**】** (Deleted by amendment, P.L. , c. ) (pending before the  
16 Legislature as this bill)

17 f. “Collaborating provider” means a physician licensed to  
18 practice medicine and surgery pursuant to chapter 9 of Title 45 of  
19 the Revised Statutes or an advanced practice nurse issued a  
20 certification pursuant to section 8 or 9 of P.L.1991, c.377 (C.45:11-  
21 47 or 45:11-48).

22 g. “Global signature authority” means the authority of an  
23 advanced practice nurse to sign, stamp, verify, or endorse a  
24 document which requires the signature, stamp, or verification, or  
25 endorsement of a physician.

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

29 (cf: P.L.2004, c.122, s.1)

30

31 2. Section 10 of P.L.1991, c.377 (C.45:11-49) is amended to  
32 read as follows:

33 10. a. In addition to all other tasks which a registered  
34 professional nurse may, by law, perform, an advanced practice  
35 nurse may manage preventive care services, and diagnose and  
36 manage deviations from wellness and long-term illnesses, consistent  
37 with the needs of the patient and within the scope of practice of the  
38 advanced practice nurse, by:

39 (1) initiating laboratory and other diagnostic tests;

40 (2) prescribing or ordering medications and devices, as  
41 authorized by subsections **【b. and c.】** f. and g. of this section; and

42 (3) prescribing or ordering treatments, including referrals to  
43 other licensed health care professionals, and performing specific  
44 procedures in accordance with the provisions of this **【subsection】**  
45 section.

46 b. **【**An advanced practice nurse may order medications and  
47 devices in the inpatient setting, subject to the following conditions:

1 (1) the collaborating physician and advanced practice nurse  
2 shall address in the joint protocols whether prior consultation with  
3 the collaborating physician is required to initiate an order for a  
4 controlled dangerous substance;

5 (2) the order is written in accordance with standing orders or  
6 joint protocols developed in agreement between a collaborating  
7 physician and the advanced practice nurse, or pursuant to the  
8 specific direction of a physician;

9 (3) the advanced practice nurse authorizes the order by signing  
10 his own name, printing the name and certification number, and  
11 printing the collaborating physician's name;

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

14 (5) the charts and records of the patients treated by the advanced  
15 practice nurse are reviewed by the collaborating physician and the  
16 advanced practice nurse within the period of time specified by rule  
17 adopted by the Commissioner of Health and Senior Services  
18 pursuant to section 13 of P.L.1991, c.377 (C.45:11-52);

19 (6) the joint protocols developed by the collaborating physician  
20 and the advanced practice nurse are reviewed, updated and signed at  
21 least annually by both parties; and

22 (7) the advanced practice nurse has completed six contact hours  
23 of continuing professional education in pharmacology related to  
24 controlled substances, including pharmacologic therapy and  
25 addiction prevention and management, in accordance with  
26 regulations adopted by the New Jersey Board of Nursing. The six  
27 contact hours shall be in addition to New Jersey Board of Nursing  
28 pharmacology education requirements for advanced practice nurses  
29 related to initial certification and recertification of an advanced  
30 practice nurse as set forth in N.J.A.C.13:37-7.2 and 13:37-7.5.】  
31 (Deleted by amendment, P.L. \_\_\_\_\_, c. \_\_\_\_\_) (pending before the  
32 Legislature as this bill)

33 c. 【An advanced practice nurse may prescribe medications and  
34 devices in all other medically appropriate settings, subject to the  
35 following conditions:

36 (1) the collaborating physician and advanced practice nurse  
37 shall address in the joint protocols whether prior consultation with  
38 the collaborating physician is required to initiate a prescription for a  
39 controlled dangerous substance;

40 (2) the prescription is written in accordance with standing orders  
41 or joint protocols developed in agreement between a collaborating  
42 physician and the advanced practice nurse, or pursuant to the  
43 specific direction of a physician;

44 (3) the advanced practice nurse writes the prescription on a New  
45 Jersey Prescription Blank pursuant to P.L.2003, c.280 (C.45:14-40  
46 et seq.), signs his name to the prescription and prints his name and  
47 certification number;

- 1 (4) the prescription is dated and includes the name of the patient  
2 and the name, address and telephone number of the collaborating  
3 physician;
- 4 (5) the physician is present or readily available through  
5 electronic communications;
- 6 (6) the charts and records of the patients treated by the advanced  
7 practice nurse are periodically reviewed by the collaborating  
8 physician and the advanced practice nurse;
- 9 (7) the joint protocols developed by the collaborating physician  
10 and the advanced practice nurse are reviewed, updated and signed at  
11 least annually by both parties; and
- 12 (8) the advanced practice nurse has completed six contact hours  
13 of continuing professional education in pharmacology related to  
14 controlled substances, including pharmacologic therapy and  
15 addiction prevention and management, in accordance with  
16 regulations adopted by the New Jersey Board of Nursing. The six  
17 contact hours shall be in addition to New Jersey Board of Nursing  
18 pharmacology education requirements for advanced practice nurses  
19 related to initial certification and recertification of an advanced  
20 practice nurse as set forth in N.J.A.C.13:37-7.2 and 13:37-7.5.】  
21 (Deleted by amendment, P.L. \_\_\_\_\_, c. \_\_\_\_\_) (pending before the  
22 Legislature as this bill)
- 23 d. 【The joint protocols employed pursuant to subsections b.  
24 and c. of this section shall conform with standards adopted by the  
25 Director of the Division of Consumer Affairs pursuant to section 12  
26 of P.L.1991, c.377 (C.45:11-51) or section 10 of P.L.1999, c.85  
27 (C.45:11-49.2), as applicable.】 (Deleted by amendment, P.L. \_\_\_\_\_, c. \_\_\_\_\_)  
28 (pending before the Legislature as this bill)
- 29 e. (Deleted by amendment, P.L.2004, c.122.)
- 30 f. An advanced practice nurse may order medications and  
31 devices, subject to the following conditions:
- 32 (1) The advanced practice nurse shall issue a prescription on a  
33 New Jersey Prescription Blank in accordance with the provisions of  
34 P.L.2003, c.280 (C.45:14-40 et seq.), and include on the  
35 prescription blank the advanced practice nurse’s signature, printed  
36 name, certification number, and patient information, and any other  
37 information required pursuant to regulations adopted by the New  
38 Jersey Board of Nursing;
- 39 (2) The advanced practice nurse shall have completed six  
40 contact hours of continuing professional education in pharmacology  
41 related to controlled substances, including pharmacologic therapy  
42 and addiction prevention and management, in accordance with  
43 regulations adopted by the New Jersey Board of Nursing. The six  
44 contact hours shall be in addition to New Jersey Board of Nursing  
45 pharmacology education requirements for advanced practice nurses  
46 related to initial certification and recertification of an advanced

1 practice nurse as set forth in regulations adopted by the New Jersey  
2 Board of Nursing;

3 (3) The advance practice nurse shall have completed 10 contact  
4 hours of continuing professional education in pharmacology each  
5 biennial period, in accordance with regulations adopted by the New  
6 Jersey Board of Nursing. The 10 contact hours shall be in addition  
7 to New Jersey Board of Nursing requirements for renewal of a  
8 registered professional nurse, as set forth in regulations adopted by  
9 the board; and

10 (4) An advanced practice nurse with fewer than 24 months or  
11 2,400 hours of licensed, active, advanced nursing practice in an  
12 initial role shall have a formal collaborating agreement with a  
13 collaborating provider. The collaborating agreement shall be  
14 required only with respect to prescribing medications. An advanced  
15 practice nurse subject to this paragraph shall maintain signed and  
16 dated copies of all required collaborating agreements, and shall  
17 notify the board that the requirements of this paragraph have been  
18 met.

19 g. Any provision of State law or regulation that requires the  
20 signature, stamp, verification, affidavit, or endorsement of a  
21 physician shall be deemed to require the signature, stamp,  
22 verification, affidavit, or endorsement of a physician or an advanced  
23 practice nurse, to the extent consistent with the scope of practice of  
24 an advanced practice nurse.

25 (cf: P.L.2004, c.122, s.2)

26

27 3. Section 11 of P.L.1991, c.377 (C.45:11-50) is amended to  
28 read as follows:

29 11. In addition to such other powers as it may by law possess,  
30 the New Jersey Board of Nursing shall have the following powers  
31 and duties**【;】**:

32 a. To promulgate, pursuant to the “Administrative Procedure  
33 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations to  
34 effectuate the purposes of this act**【**, except for those subjects of  
35 rule-making authority allocated to the Director of the Division of  
36 Consumer Affairs pursuant to section 12 of P.L.1991, c.377  
37 (C.45:11-51) or to the Commissioner of Health and Senior Services  
38 pursuant to section 13 of P.L.1991, c.377 (C.45:11-52)**】**;

39 b. To evaluate and pass upon the qualifications of candidates  
40 for certification as advanced practice nurses;

41 c. To evaluate and pass upon national accreditation  
42 organizations and the holders of certificates from those  
43 organizations as necessary to award certificates pursuant to section  
44 9 of P.L.1991, c.377 (C.45:11-48);

45 d. To establish specialty areas of practice for advanced practice  
46 nurses;

- 1 e. To take disciplinary action, in accordance with P.L.1978,  
2 c.73 (C.45:1-14 et seq.) against an advanced practice nurse who  
3 violates the provisions of this act, any regulation promulgated  
4 thereunder, or P.L.1978, c.73 (C.45:1-14 et seq.);
- 5 f. To approve the examination to be taken by candidates for  
6 certification;
- 7 g. To set standards of professional conduct for advanced  
8 practice\_nurses;
- 9 h. To set fees for examinations, certification, and other services  
10 consistent with section 2 of P.L.1974, c.46 (C.45:1-3.2);
- 11 i. To set standards for and approve continuing education  
12 programs; and
- 13 j. To determine whether the requirements of another state with  
14 respect to certification as an advanced practice nurse are  
15 substantially equivalent to those of this State in accordance with  
16 subsection c. of section 8 of P.L.1991, c.377 (C.45:11-47).  
17 (cf: P.L.1999, c.85, s.8)

18  
19 4. The following sections are repealed:  
20 Section 10 of P.L.1999, c.85 (C.45:11-49.2);  
21 Section 12 of P.L.1991, c.377 (C.45:11-51); and  
22 Section 13 of P.L.1991, c.377 (C.45:11-52).

23  
24 5. This act shall take effect on the first day of the fourth month  
25 next following the date of enactment.

26  
27  
28 STATEMENT

29  
30 This bill which is designated as the "Consumer Access to Health  
31 Care Act," eliminates the requirement that a joint protocol be in  
32 place before an advanced practice nurse (APN) may prescribe  
33 medications, and sets forth the conditions under which an APN may  
34 prescribe medications. These conditions include use of the New  
35 Jersey Prescription Blank and satisfaction of continuing  
36 professional education requirements related to prescribing  
37 controlled substances. An APN with fewer than 24 months or 2,400  
38 hours of licensed, active, advanced nursing practice in an initial role  
39 would be permitted to prescribe medication only if a formal  
40 collaborating agreement with a provider is in place. The bill also  
41 provides that any State law or regulation that requires the signature  
42 or similar endorsement of a physician would be deemed to require  
43 the same of an APN, to the extent consistent with an APN's scope  
44 of practice.

45 The bill incorporates recommendations of the National Council  
46 of State Boards of Nursing, which also adopted a model act. The  
47 model act does not condition an APN's prescribing authority on a



1 joint protocol with a collaborating physician, because collaboration  
2 with other health care professionals is currently a professional  
3 responsibility. This bill is consistent with the Institute of Medicine  
4 (IOM) recommendation that barriers to APN scope of practice be  
5 eliminated and that states adopt the model act. The IOM has  
6 suggested that federal funding for nursing education programs be  
7 limited to only those programs in states that adopt the model act,  
8 because it has found that restrictive collaboration requirements are  
9 barriers to nursing practices and to patient access to primary care.