ASSEMBLY, No. 1784

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
Assemblywoman NANCY F. MUNOZ
District 21 (Morris, Somerset and Union)
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SYNOPSIS

Authorizes visiting advanced practice nurses who are not certified by endorsement in New Jersey to engage in the limited practice of prescribing medications and devices, if they have appropriate educational qualifications.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ACT concerning the issuance of prescriptions by visiting advanced practice nurses, and amending various sections of the statutory law.

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

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

1. As used in this **[**act**]** chapter:

a. The words "the board" mean the New Jersey Board of Nursing created by this **[**act**]** chapter.

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

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

The terms "nursing," "professional nursing," and "practical nursing" as used in this **[**act**]** chapter shall not be construed to include nursing by students enrolled in a school of nursing accredited or approved by the board performed in the prescribed course of study and training, nor nursing performed in hospitals, institutions and agencies approved by the board for this purpose by graduates of such schools pending the results of the first licensing examination scheduled by the board following completion of a course of study and training and the attaining of age qualification

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.

for examination, or thereafter with the approval of the board in the case of each individual pending results of subsequent examinations; nor shall any of said terms be construed to include nursing performed for a period not exceeding 12 months unless the board shall approve a longer period, in hospitals, institutions or agencies by a nurse legally qualified under the laws of another state or country, pending results of an application for licensing under this **[**act**]** chapter, if such nurse does not represent or hold himself or herself out as a nurse licensed to practice under this **[**act**]** chapter; nor shall any of said terms be construed to include the practice of nursing in this State by any legally qualified nurse of another state whose engagement made outside of this State requires such nurse to accompany and care for the patient while in this State during the period of such engagement, not to exceed six months in this State, if such nurse does not represent or hold himself or herself out as a nurse licensed to practice in this State; nor shall any of said terms be construed to include nursing performed by employees or officers of the United States Government or any agency or service thereof while in the discharge of his or her official duties; nor shall any of said terms be construed to include services performed by nurses aides, attendants, orderlies and ward helpers in hospitals, institutions and agencies or by technicians, physiotherapists, or medical secretaries, and such duties performed by said persons aforementioned shall not be subject to rules or regulations which the board may prescribe concerning nursing; nor shall any of said terms be construed to include first aid nursing assistance, or gratuitous care by friends or members of the family of a sick or infirm person, or incidental care of the sick by a person employed primarily as a domestic or housekeeper, notwithstanding that the occasion for such employment may be sickness, if such incidental care does not constitute professional nursing and such person does not claim or purport to be a licensed nurse; nor shall any of said terms be construed to include services rendered in accordance with the practice of the religious tenets of any well-recognized church or denomination which subscribes to the art of healing by prayer. A person who is otherwise qualified shall not be denied licensure as a professional nurse or practical nurse by reason of the circumstances that such person is in religious life and has taken a vow of poverty.

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

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

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

e. "Collaborating physician" means a person licensed to practice medicine and surgery pursuant to chapter 9 of Title 45 of the Revised Statutes who agrees to work with an advanced practice nurse.

f. “Visiting advanced practice nurse” means a person who is not a resident of New Jersey, but who is temporarily present in the State; who is licensed or certified as an advanced practice nurse, or the substantial equivalent, by another state or jurisdiction other than New Jersey; and who is not seeking full certification by endorsement, pursuant to N.J.A.C.13:37-7.6, but who wishes to engage in the limited practice of prescribing medications and devices in this State. “Visiting advanced practice nurse” does not include a non-resident who has already been certified as an advanced practice nurse in this State through the certification by endorsement process specified in N.J.A.C.13:37-7.6.

Nothing in this 【act】 chapter shall confer the authority to a person licensed to practice nursing to practice another health profession as currently defined in Title 45 of the Revised Statutes.
(cf: P.L.2004, c.122, s.1)

2. Section 2 of P.L.1947, c.262 (C.45:11-24) is amended to read as follows:

2. a. The board; appointment; terms. In addition to the members appointed to represent the interests of the public pursuant to P.L.1971, c.60 (C.45:1-2.1 et seq.), the New Jersey Board of Nursing shall consist of 12 members, six of whom shall be registered professional nurses, two of whom shall be licensed practical nurses, two of whom shall be nurse educators, one of whom shall be an advanced practice nurse, and one of whom shall be an additional public member, all to be appointed by the Governor. Appointments to the board shall be for terms of five years or for the unexpired portion of a term in the case of a vacancy for any cause within a term, and until a successor shall be appointed and qualified. In making appointments the Governor shall give due consideration to, but shall not be bound by, recommendations submitted by the various nurses' professional associations of this State. Upon notice and hearing, the Governor may remove from

office any member of the board for neglect of duty, incompetency, unprofessional or dishonorable conduct.

b. Qualifications for appointment. The advanced practice nurse member shall be a resident of this State, shall be a graduate of an accredited advanced practice nurse program, shall have had at least five years' experience in professional nursing, shall at the time of appointment be actively working as an advanced practice nurse, and, except for the member first appointed, shall hold a certification as an advanced practice nurse pursuant to P.L.1991, c.377 (C.45:11-45 et al.). Each registered professional nurse member of the board shall be a citizen of the United States and a resident of this State; shall be a graduate of an accredited school of nursing within the United States; shall be a registered nurse in this State; shall have had at least five years' experience in professional nursing following graduation from an accredited school of nursing; and shall at the time of appointment be actively engaged in nursing or work relating thereto. The licensed practical nurse members of the board shall be citizens of the United States and residents of this State; shall hold a valid license to practice practical nursing in this State; shall have had at least three years' experience in practical nursing; and shall at the time of appointment be actively engaged in practical nursing or work related thereto. Each nurse educator member of the board shall be a resident of this State, shall be a registered nurse in this State, shall have at least five years' experience in professional nursing, and shall have been active as an educator or administrator in an approved program to train registered nurses.

c. Oath or affirmation of office. Within 30 days after receipt of the commission, each appointee shall take, subscribe and file in the office of the Secretary of State the oath or affirmation prescribed by law.

d. Duties and powers. The board shall have the following duties and powers: (1) It shall hold annual meetings and such other meetings as it may deem necessary at such times and places as the board shall prescribe, and a majority of the board including one officer shall constitute a quorum. (2) It shall elect from its members and prescribe the duties of a president and secretary-treasurer, each of whom shall serve for one year and until a successor is elected. (3) It shall appoint and prescribe the duties of an executive secretary to the board who need not be a member thereof but who shall be a citizen of the United States, a graduate of a college or university with a major in nursing education, a registered nurse of this State with at least five years' experience in teaching or administration or both in an accredited school of professional nursing, or have equivalent qualifications as determined by the board. The executive secretary shall hold office during the will and pleasure of the board. (4) It shall employ and prescribe the duties of such persons as in its judgment shall be necessary for the proper performance and execution of the duties and powers of the board.

(5) It shall determine and pay reasonable compensation and necessary expenses of the executive secretary and all employees of the board. (6) It shall pay to each member of the board the compensation hereinafter provided. (7) It shall have a common seal, keep an official record of all its meetings, and through its secretary-treasurer report annually to the Governor the work of the board. (8) It shall examine applicants for a license or renewals thereof, and issue, renew, revoke and suspend licenses, as hereinafter provided ; and it shall evaluate the credentials of, and ensure the competency of, visiting advanced practice nurses who are seeking to engage in the limited practice of prescribing medications and devices, as provided by subsection g. of section 10 of P.L.1991, c.377 (C.45:11-49). (9) It shall, in its discretion, investigate and prosecute all violations of provisions of this **[**act**]** chapter. (10) It shall keep an official record which shall show the name, age, nativity, and permanent place of residence of each applicant and licensee, and such further information concerning each applicant and licensee as the board shall deem advisable. The record shall show also whether the applicant was examined, licensed or rejected under this and any prior act. Copies of any of the entries of the record or of any certificate issued by the board may be authenticated by any member of the board under its seal, and, when so authenticated, shall be evidence in all courts of this State of the same weight and force as the original thereof. For authenticating a copy of any entry or entries contained in its record the board shall be paid a fee of $3.00, but such authentication, if made at the request of any public agency of this or any other jurisdiction, may be without fee. (11) In its discretion it may publish, at such times as it shall determine, a list of nurses licensed under this **[**act**]** chapter, a list of schools of nursing accredited or approved under this **[**act**]** chapter, and such other information as it shall deem advisable. (12) It shall prescribe standards and curricula for schools of nursing, and evaluate and approve courses for affiliation. (13) It shall hear and determine applications for accreditation of schools of professional nursing, conduct investigations before and after accreditation of such schools and institutions with which they are affiliated, and issue, suspend, or revoke certificates of accreditation as hereinafter provided. (14) It shall approve schools of practical nursing which shall conform to the standards, curricula, and requirements prescribed by the board, and suspend or revoke approval for violations thereof; provided, that this power shall not extend to schools operated by any board of education in this State. (15) It may consult with the Medical Society of New Jersey and the New Jersey Hospital Association with respect to any matter relating to the administration of this **[**act**]** chapter, and shall consult with those associations with respect to standards and curricula and any change thereof for schools of nursing. (16) It shall issue subpoenas for the attendance of witnesses and production of documents at any hearing

before the board authorized by this ⟦act⟧ chapter, and any member of the board shall administer an oath or affirmation to persons appearing to give testimony at such hearings. (17) It may conduct any investigations, studies of nursing and nursing education and related matters, and prepare and issue such publications as in the judgment of the board will advance the profession of nursing and its service to the public. (18) It shall perform all other functions which are provided in this ⟦act⟧ chapter to be performed by it, or which, in the judgment of the board, are necessary or proper for the administration of this ⟦act⟧ chapter. (19) It shall from time to time prescribe rules and regulations not inconsistent with this ⟦act⟧ chapter. (20) It shall prescribe standards and curricula for homemaker-home health aide education and training programs which a homemaker-home health aide shall complete in order to work in this State. (21) It shall review applications to provide homemaker-home health aide training programs, and shall issue, suspend, or revoke program approval. (22) It shall establish and maintain a registry of all individuals who have successfully completed a homemaker-home health aide training and competency evaluation program. The board shall provide for the inclusion in the registry of information about the disqualification of any person from certification as a homemaker-home health aide pursuant to sections 7 through 13 of P.L.1997, c.100 (C.45:11-24.3 through 24.9), including the specific documented findings constituting the basis for that disqualification; except that the information shall indicate that the person was convicted of a crime or disorderly persons offense as described in section 7 of P.L.1997, c.100 (C.45:11-24.3), but shall not identify the conviction or convictions which constitute the basis for the disqualification. (23) It shall prescribe standards and requirements for a competency evaluation program resulting in certification of the homemaker-home health aide, and the renewal, revocation, and suspension of that certification. (24) It shall review applications for homemaker home-health aide certification and shall issue, suspend, revoke, or fail to renew certifications and conduct investigations pursuant to the provisions of P.L.1978, c.73 (C.45:1-14 et seq.). (25) It shall require that nursing school curricula include, and shall prescribe standards for, the training of registered professional nurses in the supervision of, and the delegation of nursing tasks to, unlicensed assistive personnel, and shall further prescribe standards establishing the criteria for determining those tasks which registered professional nurses may delegate to unlicensed assistive personnel working under their supervision, and the type of supervision required with respect to those personnel. (26) It shall prescribe standards and requirements for unlicensed assistive personnel, including initial education and continuing education and a competency evaluation program, which these personnel shall satisfy in order to work in this State. As used in this paragraph and in

paragraph (25) of this subsection, "unlicensed assistive personnel" means any unlicensed or uncertified personnel employed by a licensed health care facility that perform nursing tasks which do not require the skill or judgment of a registered professional nurse and which are assigned to them by, and carried out under the supervision of, a registered professional nurse. (27) It may require licensees to meet continuing education requirements as a condition of relicensure.

e. Compensation. Each member of the board shall receive $15.00 per day for each day in which such member is actually engaged in the discharge of duties and traveling and other expenses necessarily incurred in the discharge of duties.

(cf: P.L.2017, c.125, s.1)

3. Section 7 of P.L.1991, c.377 (C.45:11-46) is amended to read as follows:

7. a. (1) 【No】 Except as otherwise provided by section 10 of P.L.1991, c.377 (C.45:11-49), no person shall practice as an advanced practice nurse, or present, call or represent himself as an advanced practice nurse, unless certified in accordance with section 8 or 9 of P.L.1991, c.377 (C.45:11-47 or 45:11-48).

(2) Nothing in 【this act】 P.L.1991, c.377 (C.45:11-45 et al.) shall be construed to limit, preclude, or otherwise interfere with the practices of other persons licensed by appropriate agencies of the State of New Jersey, provided that such duties are consistent with the accepted standards of the person's profession, and the person does not represent himself as an advanced practice nurse.

b. 【No】 Except as otherwise provided by section 10 of P.L.1991, c.377 (C.45:11-49), no person shall assume, represent himself as, or use the title or designation advanced practice nurse or the abbreviation "A.P.N." or any other title or designation which indicates or implies that he is an advanced practice nurse unless certified pursuant to section 8 or 9 of P.L.1991, c.377 (C.45:11-47 or 45:11-48).

c. Whenever the titles or designations "nurse practitioner," "clinical nurse specialist" or "nurse practitioner/clinical nurse specialist" occur or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the title or designation "advanced practice nurse."

(cf: P.L.1999, c.85, s.5)

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

10. a. In addition to all other tasks which a registered professional nurse may, by law, perform, an advanced practice nurse may manage preventive care services and diagnose and manage deviations from wellness and long-term illnesses, consistent

with the needs of the patient and within the scope of practice of the advanced practice nurse, by:

(1) initiating laboratory and other diagnostic tests;

(2) prescribing or ordering medications and devices, as authorized by subsections b. and c. of this section; and

(3) prescribing or ordering treatments, including referrals to other licensed health care professionals, and performing specific procedures in accordance with the provisions of this subsection.

Notwithstanding any other law or regulation to the contrary, a visiting advanced practice nurse may manage preventative care services and diagnose and manage deviations from wellness and long-term illnesses, consistent with the needs of a patient in this State, and within the scope of practice of the visiting advanced practice nurse, by engaging in the limited practice of prescribing or ordering medications and devices, as authorized by subsections b., c., and g. of this section.

b. An advanced practice nurse or visiting advanced practice nurse may order medications and devices in the inpatient setting, subject to the following conditions:

(1) the collaborating physician and the advanced practice nurse or visiting advanced practice nurse, as the case may be, shall address in the joint protocols whether prior consultation with the collaborating physician is required to initiate an order for a controlled dangerous substance;

(2) the order is written in accordance with standing orders or joint protocols developed in agreement between **[**a**]** the collaborating physician and the advanced practice nurse or visiting advanced practice nurse, as the case may be, or pursuant to the specific direction of a physician;

(3) the advanced practice nurse or visiting advanced practice nurse authorizes the order by signing and printing the nurse's own name, printing the **[**name and**]** nurse's certification number, if the nurse is an advanced practice nurse, or the nurse's identification number, if the nurse is a visiting advanced practice nurse, and printing the collaborating physician's name;

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

(5) the charts and records of the patients treated by the advanced practice nurse or visiting advanced practice nurse are reviewed by the collaborating physician and the **[**advanced practice**]** nurse within the period of time specified by rule adopted by the Commissioner of Health pursuant to section 13 of P.L.1991, c.377 (C.45:11-52);

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

(7) the advanced practice nurse or visiting advanced practice nurse has completed six contact hours of continuing professional education in pharmacology related to controlled substances, including pharmacologic therapy, addiction prevention and management, and issues concerning prescription opioid drugs, including responsible prescribing practices, alternatives to opioids for managing and treating pain, and the risks and signs of opioid abuse, addiction, and diversion, in accordance with regulations adopted by the New Jersey Board of Nursing. The six contact hours shall be in addition to New Jersey Board of Nursing pharmacology education requirements for advanced practice nurses related to initial certification and recertification of an advanced practice nurse as set forth in N.J.A.C.13:37-7.2.

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

(1) the collaborating physician and the advanced practice nurse or visiting advanced practice nurse, as the case may be, shall address in the joint protocols whether prior consultation with the collaborating physician is required to initiate a prescription for a controlled dangerous substance;

(2) the prescription is written in accordance with standing orders or joint protocols developed in agreement between **[**a**]** the collaborating physician and the advanced practice nurse or visiting advanced practice nurse, as the case may be, or pursuant to the specific direction of a physician;

(3) the advanced practice nurse or visiting advanced practice nurse writes the prescription on a New Jersey Prescription Blank pursuant to P.L.2003, c.280 (C.45:14-40 et seq.), signs and prints the nurse's own name **[**to**]** on the prescription, and prints the nurse's **[**name and**]** certification number, if the nurse is an advanced practice nurse, or the nurse's identification number, if the nurse is a visiting advanced practice nurse;

(4) the prescription is dated and includes the name of the patient and the name, address, and telephone number of the collaborating physician;

(5) the collaborating physician is present or readily available through electronic communications;

(6) the charts and records of the patients treated by the advanced practice nurse or visiting advanced practice nurse are periodically reviewed by the collaborating physician and the **[**advanced practice**]** nurse;

(7) the joint protocols developed by the collaborating physician and the advanced practice nurse or visiting advanced practice nurse are reviewed, updated, and signed at least annually by both parties; and

(8) the advanced practice nurse or visiting advanced practice nurse has completed six contact hours of continuing professional education in pharmacology related to controlled substances, including pharmacologic therapy, addiction prevention and management, and issues concerning prescription opioid drugs, including responsible prescribing practices, alternatives to opioids for managing and treating pain, and the risks and signs of opioid abuse, addiction, and diversion, in accordance with regulations adopted by the New Jersey Board of Nursing. The six contact hours shall be in addition to New Jersey Board of Nursing pharmacology education requirements for advanced practice nurses related to initial certification and recertification of an advanced practice nurse as set forth in N.J.A.C.13:37-7.2.

d. The joint protocols employed pursuant to subsections b. and c. of this section shall conform with standards adopted by the Director of the Division of Consumer Affairs pursuant to section 12 of P.L.1991, c.377 (C.45:11-51) or section 10 of P.L.1999, c.85 (C.45:11-49.2), as applicable.

e. (Deleted by amendment, P.L.2004, c.122.)

f. An attending advanced practice nurse may determine and certify the cause of death of the nurse's patient and execute the death certification pursuant to R.S.26:6-8 if no collaborating physician is available to do so and the nurse is the patient's primary caregiver.

g. (1) A visiting advanced practice nurse shall provide written notice to the board at least 10 days before engaging in the prescription of medications or devices in this State pursuant to this section. Such written notice shall indicate the educational qualifications of the visiting advanced practice nurse, the licenses or certifications that are held by the visiting advanced practice nurse, the states or other jurisdictions in which those licenses or certifications were issued, the training requirements that were satisfied for the purposes of obtaining those licenses or certifications, the proposed timeframe during which the visiting advanced practice nurse will be prescribing medications and devices in this State, and any other information that may be required by board regulation.

(2) Within seven days after receipt of notice under paragraph (1) of this subsection, the board shall evaluate the visiting advanced practice nurse’s credentials, as specified in the notice, and shall determine whether the nurse is appropriately qualified to engage in the prescription of medications and devices, as provided by this section. If the board determines that the visiting advanced practice nurse is so qualified, the board shall notify the nurse, in writing, of that determination and issue a visiting nurse identification number, which shall be printed on all prescriptions that are issued by the nurse in the State. If the board has reason to believe that the visiting advanced practice nurse is not properly authorized by the

nurse's out-of-State license or certification to engage in the limited practice of prescribing medications or devices, or that the education or training required for the nurse's out-of-State license or certification was not substantially equivalent to the education or training that is required for the certification of advanced practice nurses in this State, the board shall issue an order, in accordance with the provisions of paragraph (3) of this subsection, restricting the prescription of medications and devices in this State by the visiting advanced practice nurse.

(3) As deemed by the board to be appropriate, an order issued pursuant to this subsection may: (a) fully prohibit the visiting advanced practice nurse from prescribing medications or devices in this State, despite the provisions of this section to the contrary; (b) require the visiting advanced practice nurse, before engaging in the prescription of medications or devices in this State, to submit to a skills assessment and, if necessary, to successfully complete appropriate educational training, within the timeframe specified by the board; or (c) provide for the conditional supervision, monitoring, or other limitation of the visiting advanced practice nurse's prescribing practices in this State.

(4) A visiting advanced practice nurse who is subject to an order issued pursuant to paragraph (3) of this subsection may submit to the board, within 20 days after receipt of the order, a written request for a hearing on the matter, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

(5) A visiting advanced practice nurse who fails to provide notice to the board, as required by this subsection, before engaging in the prescription of medications or devices in this State, or who prescribes medications or devices in violation of the provisions of an order issued pursuant to paragraph (3) of this subsection, shall be deemed to be engaged in the unauthorized practice of nursing in this State, and shall be subject to a civil penalty pursuant to section 12 of P.L.1978, c.73 (C.45:1-25).

(cf: P.L.2017, c.28, s.15)

5. Section 10 of P.L.1999, c.85 (C.45:11-49.2) is amended to read as follows:

10. a. No later than the 180th day after the enactment of P.L.1999, c.85, the Director of the Division of Consumer Affairs in the Department of Law and Public Safety shall adopt standards for the joint protocols required by subsection d. of section 10 of P.L.1991, c.377 (C.45:11-49), which shall apply to the ordering or prescription of controlled dangerous substances by an advanced practice nurse pursuant to that section.

b. No later than the 180th day after the enactment of P.L. , c. (pending before the Legislature as this bill), the Director of the Division of Consumer Affairs in the Department of Law and Public Safety shall adopt standards for the joint protocols

required by subsection d. of section 10 of P.L.1991, c.377 (C.45:11-49), which shall apply to the ordering or prescription of controlled dangerous substances by a visiting advanced practice nurse pursuant to that section. As deemed appropriate, such standards may be the same as those that are applicable to advanced practice nurses under subsection a. of this section.

c. The standards described in this section shall be adopted by regulation in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

(cf: P.L.1999, c.85, s.10)

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

11. In addition to such other powers as it may by law possess, the New Jersey Board of Nursing shall have the following powers and duties;

a. To promulgate, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations to effectuate the purposes of ⟦this act⟧ P.L.1991, c.377 (C.45:11-45 et al.), except for those subjects of rule-making authority allocated to the Director of the Division of Consumer Affairs pursuant to section 12 of P.L.1991, c.377 (C.45:11-51) or to the Commissioner of Health ⟦and Senior Services⟧ pursuant to section 13 of P.L.1991, c.377 (C.45:11-52);

b. To evaluate and pass upon the qualifications of candidates for certification as advanced practice nurses, and, as provided by subsection g. of section 10 of P.L.1991, c.377 (C.45:11-49), to review and pass upon the prescribing qualifications of visiting advanced practice nurses;

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

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

e. To take disciplinary action, in accordance with P.L.1978, c.73 (C.45:1-14 et seq.) against an advanced practice nurse who violates the provisions of ⟦this act⟧ P.L.1991, c.377 (C.45:11-45 et al.), any regulation promulgated thereunder, or P.L.1978, c.73 (C.45:1-14 et seq.) , or against a visiting advanced practice nurse who violates the provisions of subsection g. of section 10 of P.L.1991, c.377 (C.45:11-49), or the provisions of any order issued by the board pursuant thereto;

f. To approve the examination to be taken by candidates for certification;

g. To set standards of professional conduct for advanced practice nurses and visiting advanced practice nurses;

h. To set fees for examinations, certification and other services consistent with section 2 of P.L.1974, c.46 (C.45:1-3.2);

i. To set standards for and approve continuing education programs; and

j. To determine , in relation to the certification of an advanced practice nurse, or the qualification of a visiting advanced practice nurse, whether the requirements of another state [with respect to certification as an advanced practice nurse] or jurisdiction are substantially equivalent to those of this State [in accordance with] , as provided by subsection c. of section 8 of P.L.1991, c.377 (C.45:11-47) , or by subsection g. of section 10 of P.L.1991, c.377 (C.45:11-49), as appropriate.

(cf: P.L.1999, c.85, s.8)

7. Section 13 of P.L.1991, c.377 (C.45:11-52) is amended to read as follows:

13. The Commissioner of Health [and Senior Services] shall, by rule adopted in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), establish the periods of time within which the charts and records of the patients treated by [the] an advanced practice nurse or a visiting advanced practice nurse in an inpatient setting shall be reviewed by the advanced practice nurse or visiting advanced practice nurse, as the case may be, and the collaborating physician, as required by paragraph (5) of subsection b. of section 10 of P.L.1991, c.377 (C.45:11-49).

(cf: P.L.1999, c.85, s.9)

8. Except as otherwise provided by sections 5 and 7 of this act, the Board of Nursing shall adopt rules and regulations, pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), as may be necessary to implement the provisions of this act.

9. This act shall take effect immediately.

STATEMENT

This bill would authorize certain visiting advanced practice nurses to engage in the limited practice of prescribing medications and devices to patients in this State, so long as the visiting nurses are deemed to be appropriately qualified to engage in prescribing activities.

Under the bill’s provisions, a “visiting advanced practice nurse” is defined to mean a person who is not a resident of New Jersey, but who is temporarily present in the State; who is licensed or certified as an advanced practice nurse, or the substantial equivalent, by

another state or jurisdiction other than New Jersey; and who is not seeking full certification by endorsement, pursuant to N.J.A.C.13:37-7.6, but who wishes to engage only in the limited practice of prescribing medications and devices in this State. "Visiting advanced practice nurse" would not include a non-resident who has already been certified as an advanced practice nurse in this State through the certification by endorsement process specified in N.J.A.C.13:37-7.6.

In order to ensure that a visiting advanced practice nurse has the appropriate qualifications to engage in the limited practice of prescribing drugs and devices, the bill would require each visiting advanced practice nurse to provide written notice to the Board of Nursing at least 10 days before engaging in the prescription of drugs or devices in this State. Such written notice would need to indicate the educational qualifications of the visiting advanced practice nurse, the licenses or certifications that are held by the visiting advanced practice nurse, the states or other jurisdictions in which those licenses or certifications were issued, the training requirements that were satisfied for the purposes of obtaining those licenses or certifications, the proposed timeframe during which the visiting advanced practice nurse will be prescribing medications and devices in this State, and any other information that may be required by board regulation.

Within seven days after receipt of written notice from a visiting advanced practice nurse, the board would be required to evaluate the nurse's credentials, as specified in the notice, and determine whether the nurse is appropriately qualified to engage in the prescription of medications and devices. If the board determines that the visiting advanced practice nurse is so qualified, the board would be required to notify the nurse, in writing, of that determination and issue a visiting nurse identification number, which is to be printed on all of the prescriptions that are issued by the nurse in the State. If the board has reason to believe that the visiting advanced practice nurse is not properly authorized by the out-of-State license or certification to engage in the prescription of drugs or devices, or that the training required for the nurse's out-of-State license or certification was not substantially equivalent to the training that is required for the certification of advanced practice nurses in this State, the board would be required to issue an order restricting the prescribing practices of the visiting advanced practice nurse.

As deemed by the board to be appropriate, an order issued pursuant to the bill's provisions may: 1) fully prohibit the visiting advanced practice nurse from prescribing medications or devices in this State, despite the provisions of the bill to the contrary; 2) require the visiting advanced practice nurse, before engaging in the prescription of medications or devices in this State, to submit to a skills assessment and, if necessary, to successfully complete

educational training; or 3) provide for the conditional supervision, monitoring, or other limitation of the visiting advanced practice nurse's prescribing practices in this State.

A visiting advanced practice nurse who is subject to an order of the board may submit to the board, within 20 days after receipt of the order, a written request for a hearing on the matter, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

A visiting advanced practice nurse who prescribes medications or devices in this State without first providing notice to the board, as required by the bill, or who prescribes medications or devices in violation of the provisions of an order issued by the board, would be deemed to be engaged in the unauthorized practice of nursing in this State, and would be subject to a civil penalty of not more than $10,000 for the first violation, and not more than $20,000 for the second or subsequent violation, as provided by existing law.