

SENATE, No. 2460

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED APRIL 12, 2018

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

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

As introduced.



1 AN ACT concerning the issuance of prescriptions by visiting
2 advanced practice nurses, and amending various sections of the
3 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]** chapter:

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

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]** chapter shall not be construed to
39 include nursing by students enrolled in a school of nursing
40 accredited or approved by the board performed in the prescribed
41 course of study and training, nor nursing performed in hospitals,
42 institutions and agencies approved by the board for this purpose by
43 graduates of such schools pending the results of the first licensing
44 examination scheduled by the board following completion of a
45 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.

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

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

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

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

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

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

30
31 2. Section 2 of P.L.1947, c.262 (C.45:11-24) is amended to
32 read as follows:

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

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

3 b. Qualifications for appointment. The advanced practice nurse
4 member shall be a resident of this State, shall be a graduate of an
5 accredited advanced practice nurse program, shall have had at least
6 five years' experience in professional nursing, shall at the time of
7 appointment be actively working as an advanced practice nurse,
8 and, except for the member first appointed, shall hold a certification
9 as an advanced practice nurse pursuant to P.L.1991, c.377 (C.45:11-
10 45 et al.). Each registered professional nurse member of the board
11 shall be a citizen of the United States and a resident of this State;
12 shall be a graduate of an accredited school of nursing within the
13 United States; shall be a registered nurse in this State; shall have
14 had at least five years' experience in professional nursing following
15 graduation from an accredited school of nursing; and shall at the
16 time of appointment be actively engaged in nursing or work relating
17 thereto. The licensed practical nurse members of the board shall be
18 citizens of the United States and residents of this State; shall hold a
19 valid license to practice practical nursing in this State; shall have
20 had at least three years' experience in practical nursing; and shall at
21 the time of appointment be actively engaged in practical nursing or
22 work related thereto. Each nurse educator member of the board
23 shall be a resident of this State, shall be a registered nurse in this
24 State, shall have at least five years' experience in professional
25 nursing, and shall have been active as an educator or administrator
26 in an approved program to train registered nurses.

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

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

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

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

1 in order to work in this State. As used in this paragraph and in
2 paragraph (25) of this subsection, "unlicensed assistive personnel"
3 means any unlicensed or uncertified personnel employed by a
4 licensed health care facility that perform nursing tasks which do not
5 require the skill or judgment of a registered professional nurse and
6 which are assigned to them by, and carried out under the
7 supervision of, a registered professional nurse. (27) It may require
8 licensees to meet continuing education requirements as a condition
9 of relicensure.

10 e. Compensation. Each member of the board shall receive
11 \$15.00 per day for each day in which such member is actually
12 engaged in the discharge of duties and traveling and other expenses
13 necessarily incurred in the discharge of duties.

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

15
16 3. Section 7 of P.L.1991, c.377 (C.45:11-46) is amended to
17 read as follows:

18 7. a. (1) **【No】** Except as otherwise provided by section 10 of
19 P.L.1991, c.377 (C.45:11-49), no person shall practice as an
20 advanced practice nurse, or present, call or represent himself as an
21 advanced practice nurse, unless certified in accordance with section
22 8 or 9 of P.L.1991, c.377 (C.45:11-47 or 45:11-48).

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

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

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

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

42
43 4. Section 10 of P.L.1991, c.377 (C.45:11-49) is amended to
44 read as follows:

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

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

- 3 (1) initiating laboratory and other diagnostic tests;
- 4 (2) prescribing or ordering medications and devices, as
5 authorized by subsections b. and c. of this section; and
- 6 (3) prescribing or ordering treatments, including referrals to
7 other licensed health care professionals, and performing specific
8 procedures in accordance with the provisions of this subsection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 (6) the charts and records of the patients treated by the advanced
40 practice nurse or visiting advanced practice nurse are periodically
41 reviewed by the collaborating physician and the **【advanced**
42 **practice】** nurse;

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

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

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

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

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

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

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

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

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

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

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

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

35
36 5. Section 10 of P.L.1999, c.85 (C.45:11-49.2) is amended to
37 read as follows:

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

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

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

7 c. The standards described in this section shall be adopted by
8 regulation in accordance with the "Administrative Procedure Act,"
9 P.L.1968, c.410 (C.52:14B-1 et seq.).
10 (cf: P.L.1999, c.85, s.10)

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

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

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

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

30 c. To evaluate and pass upon national accreditation
31 organizations and the holders of certificates from those
32 organizations as necessary to award certificates pursuant to section
33 9 of P.L.1991, c.377 (C.45:11-48);

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

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

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

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

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

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

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

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

14
15 7. Section 13 of P.L.1991, c.377 (C.45:11-52) is amended to
16 read as follows:

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

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

27
28 8. Except as otherwise provided by sections 5 and 7 of this act,
29 the Board of Nursing shall adopt rules and regulations, pursuant to
30 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
31 et seq.), as may be necessary to implement the provisions of this
32 act.

33
34 9. This act shall take effect immediately.

35 36 37 STATEMENT

38
39 This bill would authorize certain visiting advanced practice
40 nurses to engage in the limited practice of prescribing medications
41 and devices to patients in this State, so long as the visiting nurses
42 are deemed to be appropriately qualified to engage in prescribing
43 activities.

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

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

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

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

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

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

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

9 A visiting advanced practice nurse who prescribes medications
10 or devices in this State without first providing notice to the board,
11 as required by the bill, or who prescribes medications or devices in
12 violation of the provisions of an order issued by the board, would
13 be deemed to be engaged in the unauthorized practice of nursing in
14 this State, and would be subject to a civil penalty of not more than
15 \$10,000 for the first violation, and not more than \$20,000 for the
16 second or subsequent violation, as provided by existing law.