

45:11-1 ET SEQ.

LEGISLATIVE HISTORY CHECKLIST

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Laws of 1947 Chapter 262

Bill No. S50

Sponsor(s) Wright

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Committee: Assembly Public Health

Senate Public Health

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Following statements are attached if available:

Sponsor statement Yes No

Committee Statement: Assembly Yes No

Senate Yes No

Fiscal Note Yes No

Veto message Yes No

Message on signing Yes No

Following were printed:

Reports Yes No

Hearings Yes No

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SENATE, No. 50

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 3, 1947

By Mr. WRIGHT

Referred to Committee on Public Health

AN ACT to regulate and control the teaching and practice of nursing and to prescribe penalties for the violations thereof (Revision of 1947).

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

1 1. Definitions. As used in this act.

2 a. The words "the board" mean the New Jersey Board of Nursing
3 created by this act.

4 b. The word "nursing" includes "professional nursing" and "practical
5 nursing." "Professional nursing" is the performance for compensation of
6 any professional service requiring the application of principles of nursing
7 based on biological, physical and social sciences, including responsible super-
8 vision of a patient requiring skill in observation of symptoms and reactions
9 and the accurate recording of the facts and carrying out of treatments and
10 medications prescribed by a licensed physician, and the application of such
11 nursing procedures as involve understanding of cause and effect in order to
12 safeguard life and health of a patient and others. "Practical nursing" is
13 the performance for compensation of such duties as are required in the care
14 of a patient in carrying out of medical orders prescribed by a licensed
15 physician, requiring an understanding of elementary nursing but not requir-
16 ing the professional service outlined in the definition of professional nursing.

17 The terms "nursing," "professional nursing," and "practical nursing"
18 as used in this act shall not be construed to include nursing by students
19 enrolled in a school of nursing accredited or approved by the board per-
20 formed in the prescribed course of study and training, nor nursing performed
21 in institutions and agencies approved by the board for this purpose by
22 graduates of such schools pending the results of the first licensing examina-
23 tion scheduled by the board following completion of a course of study and
24 training and the attaining of age qualification for examination, or thereafter
25 with the approval of the board in the case of each individual pending results
26 of subsequent examinations; nor shall any of said terms be construed to
27 include nursing performed with the approval of the board by a nurse legally
28 qualified under the laws of another State, pending results of an application
29 for licensing under this act; *provided*, that such nurse does not represent or
30 hold himself or herself out as a nurse licensed to practice in this State; nor
31 shall any of said terms be construed to include the practice of nursing in this
32 State by any legally qualified nurse of another State whose engagement
33 made outside of this State requires such nurse to accompany and care for
34 the patient while in this State during the period of such engagement, not to
35 exceed six months in this State; *provided*, such nurse does not represent or
36 hold himself or herself out as a nurse licensed to practice in this State; nor
37 shall any of said terms be construed to include nursing performed by em-
38 ployees or officers of the United States Government or any agency or service
39 thereof while in the discharge of his or her official duties; nor shall any of
40 said terms be construed to include services to be prescribed by the board
41 performed by attendants, orderlies and ward helpers in hospitals and institu-
42 tions; *provided*, that such services are performed under the direction and
43 supervision of medical or professional nursing personnel; nor shall any of
44 said terms be construed to include services rendered in accordance with the
45 practice of the religious tenets of any well recognized church or denomina-
46 tion which subscribes to the art of healing by prayer and the principles of
47 which are opposed to medical treatment; *provided*, that such services are

48 rendered by a member of such church or denomination to an adherent there-
49 of; *and provided further*, that such member does not otherwise engage in the
50 practice of nursing or represent himself or herself to be licensed under
51 the act.

1 2. The board; appointment of members; terms; oath of office.

2 a. The board; appointment; terms. The New Jersey State Board of
3 Examiners of Nurses now holding office under the provisions of Revised
4 Statutes, Title 45, chapter eleven, shall constitute the New Jersey Board of
5 Nursing and shall hold office therein until the expiration of the respective
6 periods for which they were appointed to the New Jersey State Board of
7 Examiners of Nurses. Hereafter appointments to the board shall be for the
8 following terms or for the unexpired portion of a term in the case of a va-
9 cancy for any cause within a term, and until a successor shall be appointed
10 and qualified: On July first, one thousand nine hundred and forty-seven, one
11 appointment shall be made for a term of three years. On July first, one
12 thousand nine hundred and forty-eight, one appointment shall be made for a
13 term of three years and one appointment for a term of four years. On July
14 first, one thousand nine hundred and forty-nine, one appointment shall be
15 made for a term of four years and one appointment for a term of five years.
16 Thereafter all appointments shall be for a term of five years. Appointments
17 shall be made by the Governor from a list of at least three qualified persons
18 for each appointment to be made whose names shall be submitted to the Gov-
19 ernor by the New Jersey State Nurses' Association at least thirty days before
20 the expiration of a term or within thirty days after the occurrence of a
21 vacancy within a term, or as promptly after the time specified as circum-
22 stances permit. Upon notice and hearing, the Governor may remove from
23 office any member of the board for neglect of duty, incompetency, unprofes-
24 sional or dishonorable conduct.

25 b. Qualifications for appointment. Each member of the board shall be a
26 citizen of the United States and a resident of this State; shall be a graduate
27 from a college or university or have had equivalent preparation as determined

28 by the board of directors of the New Jersey State Nurses' Association; shall
29 be a graduate of an accredited school of nursing within the United States;
30 shall be a registered nurse in this State; shall have had at least five years
31 experience in professional nursing following graduation from an accredited
32 school of nursing and at least two years executive or teaching experience in
33 nursing education; and shall at the time of appointment be actively engaged
34 in nursing or work relating thereto.

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

38 d. Duties and powers. The board shall have the following duties and
39 powers: (1) It shall hold annual meetings and such other meetings as it may
40 deem necessary at such times and places as the board shall prescribe and a
41 majority of the board including one officer shall constitute a quorum. (2) It
42 shall elect from its members and prescribe the duties of a president and
43 secretary-treasurer, each of whom shall serve for one year and until a suc-
44 cessor is elected. (3) It shall appoint and prescribe the duties of an executive
45 secretary to the board who need not be a member thereof but who shall be a
46 citizen of the United States, a graduate of a college or university with a major
47 in nursing education, a registered nurse of this State with at least five years
48 experience in teaching or administration or both in an accredited school of
49 professional nursing, or have equivalent qualifications as determined by the
50 board. (4) It shall employ and prescribe the duties of such persons as in its
51 judgment shall be necessary for the proper performance and execution of
52 the duties and powers of the board. (5) It shall determine and pay the com-
53 pensation and necessary expenses of the executive secretary and all
54 employees of the board. (6) It shall pay to each member of the board the
55 compensation hereinafter provided. (7) It shall have a common seal, keep an
56 official record of all its meetings, and through its secretary-treasurer report
57 annually to the Governor the work of the board. (8) It shall examine appli-
58 cants for a license or renewals thereof, issue, renew, revoke and suspend

59 licenses, as hereinafter provided. (9) It shall in its discretion investigate and
60 prosecute all violations of provisions of this act. (10) It shall keep an
61 official record which shall show the name, age, nativity and permanent place
62 of residence of each applicant and licensee and such further information
63 concerning each applicant and licensee as the board shall deem advisable.
64 The record shall show also whether the applicant was examined, licensed or
65 rejected under this and any prior act. Copies of any of the entries of the
66 record or of any certificate issued by the board may be authenticated by any
67 member of the board under its seal and when so authenticated shall be evi-
68 dence in all courts of this State of the same weight and force as the original
69 thereof. For authenticating a copy of any entry or entries contained in its
70 record the board shall be paid a fee of one dollar (\$1.00), but such authentica-
71 tion, if made at the request of any public agency of this or any other juris-
72 diction, may be without fee. (11) In its discretion it may publish at such
73 times as it shall determine a list of nurses licensed under this act, a list of
74 schools of nursing accredited or approved under this act, and such other in-
75 formation as it shall deem advisable. (12) It shall prescribe standards and
76 curricula for schools of nursing and evaluate and approve courses for affilia-
77 tion. (13) It shall hear and determine applications for accreditation of
78 schools of professional nursing, conduct investigations before and after ac-
79 creditation of such schools and institutions with which they are affiliated, and
80 issue, suspend or revoke certificates of accreditation as hereinafter provided.
81 (14) It shall approve schools of practical nursing which shall conform to the
82 standards, curricula, and requirements prescribed by the board, and suspend
83 or revoke approval for violations thereof. (15) It may consult with the Med-
84 ical Society of New Jersey and the New Jersey Hospital Association with
85 respect to any matter relating to the administration of this act. (16) It shall
86 issue subpoenas for the attendance of witnesses and production of documents
87 at any hearing before the board authorized by this act and any member of the
88 board shall administer an oath or affirmation to persons appearing to give
89 testimony at such hearings. (17) It may conduct any investigations, studies

90 of nursing and nursing education and related matters, and prepare and issue
91 such publications as in the judgment of the board will advance the profession
92 of nursing and its service to the public. (18) It shall perform all other func-
93 tions which are provided in this act to be performed by it or which in the
94 judgment of the board are necessary or proper for the administration of this
95 act. (19) It shall from time to time prescribe rules and regulations not incon-
96 sistent with this act.

97 d. Compensation. Each member of the board shall receive fifteen dollars
98 (\$15.00) per day for each day in which such member is actually engaged in
99 the discharge of duties and traveling and other expenses necessarily incurred
100 in the discharge of duties.

1 3. Secretary-treasurer and executive secretary; bond; accounts; reports.
2 The secretary-treasurer before taking office and the executive secretary before
3 entering upon his or her duties shall each give to the State of New Jersey
4 a bond with surety, in a penal sum to be determined by the board, condi-
5 tioned for the faithful performance of his or her duties. The secretary-
6 treasurer shall keep an account of all moneys received and expended and
7 shall render a detailed statement thereof to the State Comptroller on June
8 thirtieth of each year or as soon thereafter as practicable and shall also sub-
9 mit to the Governor on June thirtieth of each year or as soon thereafter as
10 practicable a general statement of the work of the board, including therein
11 a statement of the number of applications received, approved and rejected
12 during the year reported upon.

1 4. Professional nurses.

2 a. Qualifications of applicants. An applicant for a license to practice
3 professional nursing shall submit to the board evidence in such form as the
4 board may prescribe that said applicant: (1) has attained his or her
5 twentieth birthday; (2) is of good moral character; (3) holds a diploma from
6 an accredited four-year high school or the equivalent thereof as determined
7 by the New Jersey State Department of Public Instruction; (4) has com-
8 pleted a course of professional nursing study in an accredited school of
9 professional nursing as defined by the board and holds a diploma therefrom.

10 Notwithstanding anything herein contained, any person who possesses
11 the educational and school of professional nursing qualifications for registra-
12 tion required by the law of this State at the time of his or her graduation
13 from an accredited school of professional nursing shall be deemed to possess
14 the qualifications (3) and (4) prescribed hereinabove in this subsection.

15 b. License.

16 (1) By examination. The applicant shall be required to pass a writ-
17 ten examination in such subjects as the board may determine, which
18 examination may be supplemented by an oral or practical examination or
19 both. Upon successfully passing such examinations the applicant shall
20 be licensed by the board to practice professional nursing.

21 (2) By endorsement without examination. The board may issue a
22 license to practice professional nursing without examination to an ap-
23 plicant who has been duly licensed or registered as a registered or pro-
24 fessional nurse by examination or by original waiver under the laws of
25 another State, territory or possession of the United States, or the District
26 of Columbia, or any province of the Dominion of Canada, if in the
27 opinion of the board the applicant has the qualifications required by
28 this act for the licensing of professional nurses, or equivalent qualifica-
29 tions.

30 c. Fees. An applicant for a license by examination shall pay to the
31 board at the time of application a fee of fifteen dollars (\$15.00) and at the
32 time of each application for re-examination a fee of ten dollars (\$10.00). An
33 applicant for license without examination shall pay to the board at the time
34 of application a fee of ten dollars (\$10.00).

35 d. Nurses registered under a previous law. Any person who on the effec-
36 tive date of this act holds a subsisting certificate of registration as a regis-
37 tered nurse issued pursuant to the provisions of the act repealed by section
38 twenty-two of this act shall be deemed to be licensed as a professional nurse
39 under this act during the calendar year in which this act shall take effect, and
40 such person and any person who heretofore held a certificate of registration

41 under said act hereby repealed as aforesaid shall be entitled to a renewal of
42 such license as in the case of professional nurses licensed originally under
43 this act.

44 e. Authority to practice nursing; title and abbreviations used by licensee.
45 Any person who holds a license to practice professional nursing under this
46 act shall during the effective period of such license be entitled to practice
47 nursing in this State and to use the title "Registered Nurse" and the abbrevia-
48 tion "R. N." The effective period of a license or a renewal thereof shall
49 commence on the date of issuance and shall terminate at the end of the
50 calendar year in which it is issued, and shall not include any period of suspen-
51 sion ordered by the board as hereinafter provided.

1 5. Practical nursing.

2 (a) Qualifications of applicants. An applicant for a license to prac-
3 tice practical nursing shall submit to the board evidence in such form as
4 the board may prescribe that the applicant: (1) has attained his or her
5 eighteenth birthday; (2) is of good moral character; (3) has completed two
6 years of high school or the equivalent thereof, as determined by the New
7 Jersey State Department of Public Instruction; (4) has completed a course
8 of study in a school of practical nursing approved by the board and holds a
9 diploma therefrom, or has equivalent qualifications as determined by the
10 board.

11 b. License.

12 (1) By examination. The applicant shall be required to pass a writ-
13 ten examination in such subjects as the board may determine, which
14 examination may be supplemented by an oral or practical examination
15 or both. Upon successfully passing such examinations, the applicant shall
16 be licensed by the board to practice practical nursing.

17 (2) By endorsement without examination. The board may issue a
18 license to practice practical nursing without examination to any appli-
19 cant who has been duly licensed as a practical nurse or a person entitled
20 to perform similar services under a different title by practical nurse

21 examination or by original waiver under the laws of another State, ter-
22 ritory or possession of the United States, or the District of Columbia,
23 if in the opinion of the board the applicant has the qualifications
24 required by this act for licensing of practical nurses or equivalent
25 qualifications.

26 (3) Waiver. If application therefor is made within two years after
27 the effective date of this act, the board may issue without examination
28 a license to practice practical nursing to an applicant who submits to
29 the board evidence in such form as the board may prescribe that the
30 applicant has qualifications (1) and (2) provided in subsection "a" of
31 this section and has had at least two years of satisfactory experience
32 in practical nursing, at least one year of which shall have been performed
33 in this State except in cases of such nursing performed in an agency
34 or service of the Federal Government; *provided*, that, except in cases
35 of such nursing performed in an agency or service of the Federal Gov-
36 ernment, such applicant is endorsed under oath by two members of the
37 Medical Society of New Jersey who have personal knowledge of the
38 applicant's qualifications and satisfactory performance of practical nurs-
39 ing and by two persons who have employed the applicant.

40 c. Fees. An applicant for license by examination shall pay to the board
41 at the time of application a fee of ten dollars (\$10.00) and at the time of
42 each application for re-examination a fee of five dollars (\$5.00). At the
43 time of application an applicant for license without examination shall pay
44 to the board a fee of five dollars (\$5.00), and an applicant for license by
45 waiver shall pay to the board a fee of ten dollars (\$10.00).

46 d. Authority to practice practical nursing; title used by licensee. Any
47 person who holds a license to practice practical nursing under this act shall
48 during the effective period of such license be entitled to practice practical
49 nursing and to use the title "Practical Nurse" but no abbreviation thereof.
50 The effective period of a license or a renewal thereof shall commence on

51 the date of issuance and shall terminate at the end of the calendar year
52 in which it is issued, and shall not include any period or suspension ordered
53 by the board as hereinafter provided.

1 6. Renewal of license. Applications for renewal of licenses issued under
2 this act shall be made at such times and in such form and contain such infor-
3 mation as the board shall prescribe and shall be accompanied by a renewal
4 fee of one dollar (\$1.00).

1 7. Duplicate licenses. Upon proof satisfactory to the board that a license
2 has been lost, stolen, mutilated or destroyed, and upon payment to it of a fee
3 of five dollars (\$5.00) the board may issue a duplicate license.

1 8. Change of name. Upon proof satisfactory to the board of change of
2 name by action of a court of competent jurisdiction and upon payment of a
3 fee of two dollars and fifty cents (\$2.50) the board shall note the change
4 of name upon its records and the subsisting license.

1 9. Disposition of funds and other property. All funds in the custody
2 of the secretary-treasurer of the State Board of Examiners of Nurses shall
3 be transferred and delivered to the secretary-treasurer of the board hereby
4 created and from such funds and all fees and penalties received and recov-
5 ered by the board under this act the board shall make all disbursements nec-
6 essary for the proper performance and discharge of its duties and powers
7 and the full and effective administration of this act. All records and equip-
8 ment and other property of the State Board of Examiners of Nurses are
9 hereby transferred to the board.

1 10. Refusal to renew a license; revocation or suspension of a license;
2 notice; hearing; review. The board may refuse to renew a license, may
3 suspend a license or revoke a license for any of the following causes: dis-
4 honesty; unfitness or incompetency; conduct derogatory to nursing; fraud
5 or willful misrepresentation in an application for license or renewal thereof;
6 willful or repeated violations of any provision of this act; conviction whether
7 by trial or plea of guilty, non vult, or nolo contendere of a crime involving
8 moral turpitude or indicating unfitness to practice nursing or of a violation

9 of this act. The board may revoke any license for mistake of the board
10 with respect to any material matter. No license shall be suspended or revoked
11 except upon compliance with the following procedure: A complaint shall be
12 filed with the board specifying the charges and may be made by any member
13 or employee of the board upon information or belief. At least ten days prior
14 to the time fixed for hearing notice of such hearing together with a copy
15 of the complaint shall be served personally or sent by registered mail
16 addressed to the licensee at the licensee's address appearing upon records
17 of the board. Licensee shall have the right to be represented by counsel,
18 to cross-examine witnesses produced against the licensee, and to offer evi-
19 dence. At the request of licensee or on the board's own motion the board
20 shall issue subpoenas signed by a member of the board to compel the appear-
21 ance and testimony of witnesses and the production of records and docu-
22 ments, and subpoenas issued at the request of the licensee or his or her
23 counsel shall be delivered to such licensee or counsel for service. There shall
24 be paid to witnesses at the time of service of subpoenas the same fees as
25 in the case of subpoenas issued out of the circuit court. Testimony shall be
26 given under oath or affirmation administered by a member of the board. In
27 any case in which the board shall refuse to renew a license the person con-
28 cerned may apply to the board for a hearing with respect to such refusal
29 and thereupon the procedure set forth herein with respect to suspension or
30 revocation of a license shall be followed. Any person who shall willfully
31 give false testimony under oath or affirmation in any hearing before the
32 board shall be guilty of perjury. The board shall not be bound by rules of
33 evidence but its determination shall be supported by some competent evi-
34 dence. The determination of the board suspending or revoking a license, or
35 refusing to issue a renewal of a license after hearing, shall be reviewable
36 by the Supreme Court by certiorari provided that application therefor is
37 made within sixty days after the mailing by the board by registered mail
38 of its determination to the person affected, and a single justice of the Supreme
39 Court may hear and determine the matter. In such certiorari proceedings

40 the factual findings of the board, if supported by any competent evidence,
41 shall be binding upon the court. At any time, within two years after its
42 determination suspending, revoking or refusing to renew a license, the board
43 may in its discretion, for any cause, grant an application for a rehearing
44 and make such redetermination as the case may warrant. The board may
45 also at any time permit a person whose license has been revoked or whose
46 application for renewal has been denied, to make an original application for
47 a new license on such terms and conditions as in the judgment of the board
48 are just and equitable.

1 11. Schools of professional nursing.

2 a. Application for accreditation. Any person, partnership, association,
3 corporation or public educational institution desiring to conduct a school of
4 professional nursing shall submit to the board evidence in such form as the
5 board may require that the applicant: (1) is equipped to give the course of
6 instruction and practice set forth in the curriculum prescribed by the board,
7 part of which instruction and practice may, with the approval of the board,
8 be given by arrangement with one or more agencies or institutions approved
9 by the board for that purpose; (2) is affiliated with a hospital of such size
10 and facilities as the board may prescribe; (3) meets such other standards
11 and requirements as the board may prescribe. In any case other than an
12 application by a public educational institution the board may require evi-
13 dence of good moral character of all persons directly or indirectly inter-
14 ested in the operation of such school. Upon approval of the application the
15 board shall issue a certificate of accreditation, which may be conditional dur-
16 ing the first year.

17 b. Rights and obligations of holders of certificates of accreditation. The
18 holder of a certificate of accreditation shall have the right during the effec-
19 tive period of the certificate of accreditation to conduct a school of profes-
20 sional nursing. The effective period of such certificate or a renewal thereof
21 shall commence on the date of issuance and shall terminate at the end of
22 the fiscal year, July first to June thirtieth, in which it is issued, and shall

23 not include any period of suspension ordered by the board as hereinafter
24 provided. An accredited school of professional nursing shall admit as stu-
25 dents only persons possessing the preliminary educational requirements set
26 forth in section four hereof, shall abide by and conform to the curriculum
27 and standards of operation prescribed from time to time by the board, shall
28 make such reports to the board as the board may require, and shall submit
29 to such investigations by representatives of the board as the board may
30 require.

1 12. Renewal of certificates of accreditation. Applications for renewal of
2 certificates of accreditation issued under this act shall be made at such times
3 and in such form and contain such information as the board shall prescribe.

1 13. Refusal to renew a certificate of accreditation; suspension or revoca-
2 tion of certificates of accreditation. The board may refuse to renew a cer-
3 tificate of accreditation, may suspend or revoke a certificate of accreditation
4 for any of the following causes, attributable either to the holder of the cer-
5 tificate or to any person interested directly or indirectly in the operation of
6 the school of nursing: fraud or willful misrepresentation in connection with
7 an application for a certificate or renewal thereof; dishonesty; unfitness or
8 incompetency; conduct derogatory to nursing; willful failure to conform to
9 the curriculum, standards, or rules and regulations prescribed by the board;
10 a willful violation or repeated violations of any provision of this act; convic-
11 tion whether by trial, plea of guilty, non vult, or nolo contendere of any
12 crime involving moral turpitude or evidencing unfitness to conduct a school
13 of nursing or of a violation of this act; failure after notice from the board
14 to remove unfit or incompetent personnel of a school. The board may revoke
15 any certificate for mistake of the board with respect to any material matter.

16 Except insofar as inappropriate hereto, the provisions of section ten of
17 this act shall apply to proceedings for suspension or revocation of a cer-
18 tificate and to a refusal to renew a certificate under this section.

1 14. Failure to obey subpoena. Any person who, having been personally
2 served with a subpoena issued by the board and given or tendered the fees

3 prescribed herein, shall, without legal excuse, fail to appear before the board,
4 or fail to produce records or documents required to be produced by the
5 subpoena, or fail or refuse to testify or to answer any proper question, shall
6 forfeit for each offense a penalty of two hundred dollars (\$200.00), which
7 shall be recoverable by the board in an action brought in its name in any civil
8 court of this State having jurisdiction of an action to recover a penalty. In
9 addition to the foregoing remedy the board may apply to the Supreme Court,
10 or to a justice thereof, who shall have the power of the court for that pur-
11 pose, upon proof by affidavits of the facts, for an order returnable in not less
12 than two or more than ten days directing such person to show cause before
13 the court or the justice thereof who made the order, or to any other justice,
14 why he or she should not comply with the subpoena or order of the board,
15 and upon the return of such order the court or justice before whom the matter
16 may come on for hearing, shall examine under oath the person whose testi-
17 mony may be relevant and such person shall be given an opportunity to be
18 heard, and if the court or justice determines that such person shall be given
19 an opportunity to be heard, and if the court or justice determines that such
20 person refused, without legal excuse, to obey the command of such subpoena
21 to be examined or to answer a proper question or to produce a record or
22 documents which he or she was ordered to produce, said court or justice
23 may order said person to comply forthwith with the subpoena or order of the
24 board, and any failure to obey such order of the court or justice may be
25 punished by the court or justice as a contempt of such Supreme Court.

1 15. Violations of the act. It shall be unlawful for any person (includ-
2 ing any corporation, partnership, association or individual):

3 a. After two years after the effective date of this act to practice or offer
4 to practice professional nursing as defined by this act, unless such person
5 holds a subsisting, unsuspended license as a registered nurse under this act;
6 or

7 b. After two years after the effective date of this act, to practice or offer
8 to practice practical nursing unless such person holds a subsisting, un-
9 suspended license as a practical nurse under this act; or

10 c. To represent in any way that such person is a registered nurse or to
11 use after his or her name the abbreviation "R. N." unless such person holds
12 a subsisting, unsuspended license as a professional nurse under this act; or

13 d. After two years after the effective date of this act, to represent in
14 any way that such person is a practical nurse unless such person holds a
15 subsisting, unsuspended license as a practical nurse under this act; or

16 e. After two years after the effective date of this act, to conduct or to
17 represent in any way that such person conducts a school for professional
18 nursing, unless such person holds a subsisting, unsuspended certificate of
19 accreditation under this act.

20 f. After two years after the effective date of this act, to represent in
21 any way that such person conducts a school for practical nursing approved
22 by the board unless such person holds the subsisting, unsuspended approval
23 of the board.

24 g. To obtain or attempt to obtain by fraud a license or renewal thereof
25 or a certificate of accreditation or a renewal thereof under this act; or

26 h. To represent in any way that such person is authorized to issue a
27 license for the practice of professional nursing or practical nursing or a cer-
28 tificate of accreditation for a school of professional nursing; or

29 i. To transfer, offer to transfer, or permit the use by another of any
30 license issued under this act; or

31 j. Without the approval of the board, to transfer, offer to transfer, or
32 permit the use by another of a certificate of accreditation issued under this
33 act; or

34 k. Otherwise to violate any provision of this act; or

35 l. To aid or abet any person to violate any provision of this act.

36 A single act shall be deemed to constitute practice within the meaning of
37 this section. Every person violating any of the foregoing provisions of this
38 section shall be subject to a penalty of two hundred dollars (\$200.00) for each
39 violation, and if after conviction as hereinafter provided such person shall
40 again violate any provision of this act, such person shall be subject to a

41 penalty of five hundred dollars (\$500.00) for each subsequent offense. A
42 voluntary payment of a penalty for a violation of any provision of this act
43 shall be deemed to be a conviction rendering such person liable for the
44 greater penalty for subsequent violations, and the continuation of an offense
45 after conviction shall be deemed to be a subsequent offense.

1 16. Recovery of penalties provided in section 15. The penalties provided
2 for by section fifteen shall be sued for and recovered by and in the name
3 of the board. Every district court and every court of common pleas is
4 hereby empowered, upon the filing of a complaint in writing duly verified,
5 which verification when made by any member of the board may be made
6 upon information and belief, that any person has violated any provision of
7 this act, to issue process at the suit of the board as plaintiff. The process
8 shall be either in the nature of a summons or a warrant, which process may
9 issue without an order of the court or judge first being obtained against the
10 person so charged, which process, when in the nature of a warrant, shall be
11 returnable forthwith, and when in the nature of a summons shall be return-
12 able in not less than five nor more than fifteen entire days; and such process
13 shall state what provision or provisions of the law are alleged to have been
14 violated by the defendant. The officers to serve and execute all process under
15 this section shall be the officers authorized to serve and execute process in
16 said courts. In any action to recover such penalty, the certification of any
17 member of the board under the seal of the board, that at the time of the
18 offense charged the defendant was not licensed or the defendant's license was
19 suspended, shall be received in evidence and shall be prima facie proof of the
20 facts so certified.

1 17. Judgment; commitment of defendant for nonpayment; defendant to
2 be detained, unless bond filed, upon adjournment of trial. Upon the return of
3 such process, or at any time to which the trial shall be adjourned, the court
4 shall proceed in a summary manner, without a jury, to hear testimony and to
5 determine and give judgment in the matter without the filing of any plead-
6 ings of the plaintiff for the recovery of such penalty, with costs, or for the

7 defendant. If judgment be rendered for the plaintiff the court shall cause
 8 any defendant, who refuses or neglects forthwith to pay the amount of the
 9 judgment rendered against such defendant and all the costs and charges inci-
 10 dent thereto, to be committed to the county jail for a period of not less than
 11 ten days and not exceeding one hundred days in the case of a first conviction,
 12 and for a period of not less than thirty days and not more than two hundred
 13 days in the case of a subsequent conviction. The district court or court of
 14 common pleas shall have power to adjourn the hearing or trial from time to
 15 time, but, except in cases in which the first process was a summons, it shall be
 16 the duty of the judges thereof to detain the defendant in safe custody, unless
 17 the defendant shall enter into bond to the board, with at least one sufficient
 18 surety in double the amount of the penalty claimed, conditioned for the
 19 defendant's appearance on the day to which the hearing shall be adjourned,
 20 and thence from day to day until the case is disposed of, and to abide by the
 21 judgment of the court. The bond, if forfeited, may be prosecuted by the
 22 board. All penalties recovered for any violations of this act and all recov-
 23 eries upon such bonds shall be paid to the board. Neither the commitment
 24 of a defendant nor the confinement of a defendant for all or any period pre-
 25 scribed in the commitment shall be deemed to constitute payment of the judg-
 26 ment.

1 18. Form of conviction. The convictions in prosecution under this chap-
 2 ter shall be in the following or similar form:

3 "State of New Jersey }
 4 County of } ss.

5 Be It Remembered, that on this day of
 6 at, in said county, C. D., defendant, was by (the
 7 district court of, or the court of common pleas of
 8 the county of, as the case may be), con-
 9 victed of violating section of chapter of the laws of
 10 one thousand nine hundred and forty-seven, in a summary proceeding at

11 the suit of the New Jersey Board of Nursing upon a complaint made by
12; and further, that the witnesses in said proceeding
13 who testified for the plaintiff were (name them), and the witnesses who
14 testified for the defendant were (name them).

15 Wherefore, the said court doth hereby give judgment that the plain-
16 tiff recover of the defendant dollars, penalty, and
17 dollars, cost of this proceeding.”

1 19. Signing of conviction; form of commitment. The conviction shall be
2 signed by the judge of the court before whom the conviction is had. If the
3 defendant is committed to jail in default of payment of the penalty, a com-
4 mitment in the following form shall be added, beneath the judge’s signature,
5 to the conviction:

6 “And the said C. D., neglecting and refusing to pay the amount of the
7 penalty above mentioned, with costs, it is hereby ordered that the said C. D.
8 be, and he (or she) hereby is, committed to the common jail of the county of
9 for the period of days, unless the said penalty
10 and costs are sooner paid.” This commitment shall also be signed by the
11 judge, and in case of commitment of any defendant to jail, the conviction
12 and commitment shall be signed in duplicate, and one of the duplicate copies
13 shall serve the purposes of a warrant of commitment.

1 20. Signing and sealing of process; docketing of judgments in district
2 courts; issuance of execution. The clerk of any district court or of any court
3 of common pleas may sign and seal any process required to be issued under
4 this section, except a warrant of commitment. The costs recoverable in any
5 such proceeding shall be the same as costs taxed in actions in said courts,
6 and shall be recovered by the board in the event of the conviction of the
7 defendant. A judgment recovered for a penalty under the provisions of this
8 section in any district court may be docketed in the same manner as judg-
9 ments in said court are docketed under the provisions of article fourteen of
10 chapter thirty-two of the Title, Administration of Civil and Criminal Justice
11 (2:32-186 et seq.). Execution may issue for the collection of any judgment

12 obtained under this section against the personal property and body of the
13 defendant without an order first obtained for that purpose.

1 21. Court of Chancery jurisdiction to restrain violations of this act. The
2 Court of Chancery of this State is hereby vested with the jurisdiction and
3 discretionary power at the suit of the Attorney-General or of the board to
4 prevent and restrain any violation of this act.

1 22. Section 18:30-4 of the Revised Statutes is hereby repealed. Sections
2 45:11-1 to 22, inclusive, of the Revised Statutes are hereby repealed; *pro-*
3 *vided, however,* that the said sections shall continue in effect for the follow-
4 ing purposes, the necessary powers and duties vested by said sections in the
5 New Jersey State Board of Examiners of Nurses being hereby transferred
6 to the board:

7 a. to complete all proceedings with reference to applications for regis-
8 tration under said chapter filed with the New Jersey State Board of
9 Examiners of Nurses prior to the effective date of this act;

10 b. to complete and to institute and complete all proceedings for revoca-
11 tion of certificates of registration issued under that chapter by reason of any
12 facts arising prior to the effective date of this act.

13 The board is hereby empowered to take over and complete all unfinished
14 undertakings or projects of the New Jersey State Board of Examiners of
15 Nurses and to assume and pay all obligations incurred by that board.

1 23. Should any section or provision of this act or its application to any
2 person in any situation be held to be invalid for any reason by any court of
3 competent jurisdiction, such invalidity shall not affect the validity of this act
4 as a whole or any part thereof, other than the portion or the application of
5 any portion so held to be invalid.

1 24. This act shall take effect immediately.

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SENATE, No. 50

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 3, 1947

By Mr. WRIGHT

Referred to Committee on Public Health

AN ACT to regulate and control the teaching and practice of nursing and to prescribe penalties for the violations thereof (Revision of 1947).

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

1 1. Definitions. As used in this act.

2 a. The words "the board" mean the New Jersey Board of Nursing
3 created by this act.

4 b. The word "nursing" includes "professional nursing" and "practical
5 nursing." "Professional nursing" is the performance of any profes-
6 sional service requiring the application of principles of nursing based
7 on biological, physical and social sciences, including responsible super-
8 vision of a patient requiring skill in observation of symptoms and reactions
9 and the accurate recording of the facts and carrying out of treatments and
10 medications prescribed by a licensed physician, and the application of such
11 nursing procedures as involve understanding of cause and effect in order to
12 safeguard life and health of a patient and others. "Practical nursing" is
13 the performance of such duties as are required in the care of a pa-
14 tient in carrying out of medical orders prescribed by a licensed physi-
15 cian, requiring an understanding of elementary nursing but not requir-
16 ing the professional service outlined in the definition of professional nursing.

17 The terms "nursing," "professional nursing," and "practical nursing"
18 as used in this act shall not be construed to include services performed by
19 attendants, orderlies and ward helpers in hospitals and institutions or by
20 technicians, physiotherapists, or medical secretaries; nor shall any of said
21 terms be construed to include services rendered in accordance with the prac-
22 tice of the religious tenets of any well recognized church or denomination
23 which subscribes to the art of healing by prayer and the principles of which
24 are opposed to medical treatment.

1 2. The board; appointment of members; terms; oath of office.

2 a. The board; appointment; terms. The New Jersey State Board of
3 Examiners of Nurses now holding office under the provisions of Revised
4 Statutes, Title 45, chapter eleven, shall constitute the New Jersey Board of
5 Nursing and shall hold office therein until the expiration of the respective
6 periods for which they were appointed to the New Jersey State Board of
7 Examiners of Nurses. Hereafter appointments to the board shall be for the
8 following terms or for the unexpired portion of a term in the case of a va-
9 cancy for any cause within a term, and until a successor shall be appointed
10 and qualified: On July first, one thousand nine hundred and forty-seven, one
11 appointment shall be made for a term of three years. On July first, one
12 thousand nine hundred and forty-eight, one appointment shall be made for a
13 term of three years and one appointment for a term of four years. On July
14 first, one thousand nine hundred and forty-nine, one appointment shall be
15 made for a term of four years and one appointment for a term of five years.
16 Thereafter all appointments shall be for a term of five years. Appointments
17 shall be made by the Governor from a list of at least three qualified persons
18 for each appointment to be made whose names shall be submitted to the Gov-
19 ernor by the New Jersey State Nurses' Association at least thirty days before
20 the expiration of a term or within thirty days after the occurrence of a
21 vacancy within a term, or as promptly after the time specified as circum-
22 stances permit. Upon notice and hearing, the Governor may remove from
23 office any member of the board for neglect of duty, incompetency, unprofes-
24 sional or dishonorable conduct.

25 b. Qualifications for appointment. Each member of the board shall be a
26 citizen of the United States and a resident of this State; shall be a graduate
27 from a college or university or have had equivalent preparation as determined
28 by the board of directors of the New Jersey State Nurses' Association; shall
29 be a graduate of an accredited school of nursing within the United States;
30 shall be a registered nurse in this State; shall have had at least five years
31 experience in professional nursing following graduation from an accredited
32 school of nursing and at least two years executive or teaching experience in
33 nursing education; and shall at the time of appointment be actively engaged
34 in nursing or work relating thereto.

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

38 d. Duties and powers. The board shall have the following duties and
39 powers: (1) It shall hold annual meetings and such other meetings as it may
40 deem necessary at such times and places as the board shall prescribe and a
41 majority of the board including one officer shall constitute a quorum. (2) It
42 shall elect from its members and prescribe the duties of a president and
43 secretary-treasurer, each of whom shall serve for one year and until a suc-
44 cessor is elected. (3) It shall appoint and prescribe the duties of an executive
45 secretary to the board who need not be a member thereof but who shall be a
46 citizen of the United States, a graduate of a college or university with a major
47 in nursing education, a registered nurse of this State with at least five years
48 experience in teaching or administration or both in an accredited school of
49 professional nursing, or have equivalent qualifications as determined by the
49½ board. The executive secretary shall hold office during the will and pleasure
50 of the board. (4) It shall employ and prescribe the duties of such persons as in
51 its judgment shall be necessary for the proper performance and execution of
52 the duties and powers of the board. (5) It shall determine and pay reason-
53 able compensation and necessary expenses of the executive secretary and all
54 employees of the board. (6) It shall pay to each member of the board the

55 compensation hereinafter provided. (7) It shall have a common seal, keep an
56 official record of all its meetings, and through its secretary-treasurer report
57 annually to the Governor the work of the board. (8) It shall examine appli-
58 cants for a license or renewals thereof, issue, renew, revoke and suspend
59 licenses, as hereinafter provided. (9) It shall in its discretion investigate and
60 prosecute all violations of provisions of this act. (10) It shall keep an
61 official record which shall show the name, age, nativity and permanent place
62 of residence of each applicant and licensee and such further information
63 concerning each applicant and licensee as the board shall deem advisable.
64 The record shall show also whether the applicant was examined, licensed or
65 rejected under this and any prior act. Copies of any of the entries of the
66 record or of any certificate issued by the board may be authenticated by any
67 member of the board under its seal and when so authenticated shall be evi-
68 dence in all courts of this State of the same weight and force as the original
69 thereof. For authenticating a copy of any entry or entries contained in its
70 record the board shall be paid a fee of one dollar (\$1.00), but such authentica-
71 tion, if made at the request of any public agency of this or any other juris-
72 diction, may be without fee. (11) In its discretion it may publish at such
73 times as it shall determine a list of nurses licensed under this act, a list of
74 schools of nursing accredited or approved under this act, and such other in-
75 formation as it shall deem advisable. (12) It shall prescribe standards and
76 curricula for schools of nursing and evaluate and approve courses for affilia-
77 tion. (13) It shall hear and determine applications for accreditation of
78 schools of professional nursing, conduct investigations before and after ac-
79 creditation of such schools and institutions with which they are affiliated, and
80 issue, suspend or revoke certificates of accreditation as hereinafter provided.
81 (14) It shall approve schools of practical nursing which shall conform to the
82 standards, curricula, and requirements prescribed by the board, and suspend
82½ or revoke approval for violations thereof; *provided*, that this power shall not
83 extend to schools operated by any board of education in this State. (15) It
83½ may consult with the Medical Society of New Jersey and the New Jersey

84 Hospital Association with respect to any matter relating to the administra-
84½ tion of this act and shall consult with those associations with respect to stand-
85 ards and curricula and any change thereof for schools of nursing. (16) It shall
86 issue subpoenas for the attendance of witnesses and production of documents
87 at any hearing before the board authorized by this act and any member of the
88 board shall administer an oath or affirmation to persons appearing to give
89 testimony at such hearings. (17) It may conduct any investigations, studies
90 of nursing and nursing education and related matters, and prepare and issue
91 such publications as in the judgment of the board will advance the profession
92 of nursing and its service to the public. (18) It shall perform all other func-
93 tions which are provided in this act to be performed by it or which in the
94 judgment of the board are necessary or proper for the administration of this
95 act. (19) It shall from time to time prescribe rules and regulations not incon-
96 sistent with this act.

97 d. Compensation. Each member of the board shall receive fifteen dollars
98 (\$15.00) per day for each day in which such member is actually engaged in
99 the discharge of duties and traveling and other expenses necessarily incurred
100 in the discharge of duties.

1 3. Secretary-treasurer and executive secretary; bond; accounts; reports.
2 The secretary-treasurer before taking office and the executive secretary before
3 entering upon his or her duties shall each give to the State of New Jersey
4 a bond with surety, in a penal sum to be determined by the board, condi-
5 tioned for the faithful performance of his or her duties. The secretary-
6 treasurer shall keep an account of all moneys received and expended and
7 shall render a detailed statement thereof to the State Comptroller on June
8 thirtieth of each year or as soon thereafter as practicable and shall also sub-
9 mit to the Governor on June thirtieth of each year or as soon thereafter as
10 practicable a general statement of the work of the board, including therein
11 a statement of the number of applications received, approved and rejected
12 during the year reported upon.

1 4. Professional nurses.

2 a. Qualifications of applicants. An applicant for a license to practice
3 professional nursing shall submit to the board evidence in such form as the
4 board may prescribe that said applicant: (1) has attained his or her
5 twentieth birthday; (2) is of good moral character; (3) holds a diploma from
6 an accredited four-year high school or the equivalent thereof as determined
7 by the New Jersey State Department of Public Instruction; (4) has com-
8 pleted a course of professional nursing study in an accredited school of
9 professional nursing as defined by the board and holds a diploma therefrom.

10 Notwithstanding anything herein contained, any person who possesses
11 the educational and school of professional nursing qualifications for registra-
12 tion required by the law of this State at the time of his or her graduation
13 from an accredited school of professional nursing shall be deemed to possess
14 the qualifications (3) and (4) prescribed hereinabove in this subsection.

15 b. License.

16 (1) By examination. The applicant shall be required to pass a writ-
17 ten examination in such subjects as the board may determine, which
18 examination may be supplemented by an oral or practical examination or
19 both. Upon successfully passing such examinations the applicant shall
20 be licensed by the board to practice professional nursing.

21 (2) By endorsement without examination. The board may issue a
22 license to practice professional nursing without examination to an ap-
23 plicant who has been duly licensed or registered as a registered or pro-
24 fessional nurse by examination or by original waiver under the laws of
25 another State, territory or possession of the United States, or the District
26 of Columbia, or any province of the Dominion of Canada, if in the
27 opinion of the board the applicant has the qualifications required by
28 this act for the licensing of professional nurses, or equivalent qualifica-
29 tions.

30 c. Fees. An applicant for a license by examination shall pay to the
31 board at the time of application a fee of fifteen dollars (\$15.00) and at the
32 time of each application for re-examination a fee of ten dollars (\$10.00). An

33 applicant for license without examination shall pay to the board at the time
34 of application a fee of ten dollars (\$10.00).

35 d. Nurses registered under a previous law. Any person who on the effec-
36 tive date of this act holds a subsisting certificate of registration as a regis-
37 tered nurse issued pursuant to the provisions of the act repealed by section
38 twenty-two of this act shall be deemed to be licensed as a professional nurse
39 under this act during the calendar year in which this act shall take effect, and
40 such person and any person who heretofore held a certificate of registration
41 under said act hereby repealed as aforesaid shall be entitled to a renewal of
42 such license as in the case of professional nurses licensed originally under
43 this act.

44 e. Title and abbreviations used by licensee. Any person who holds a
45 license to practice professional nursing under this act shall during the effec-
46 tive period of such license be entitled to use the title "Registered Nurse"
47 and the abbreviation "R. N." The effective period of a license or a renewal
48 thereof shall commence on the date of issuance and shall terminate at the
49 end of the calendar year in which it is issued, and shall not include any period
50 of suspension ordered by the board as hereinafter provided.

1 5. Practical nursing.

2 (a) Qualifications of applicants. An applicant for a license to prac-
3 tice practical nursing shall submit to the board evidence in such form as
4 the board may prescribe that the applicant: (1) has attained his or her
5 eighteenth birthday; (2) is of good moral character; (3) has completed two
6 years of high school or the equivalent thereof, as determined by the New
7 Jersey State Department of Public Instruction; (4) has completed a course
8 of study in a school of practical nursing approved by the board and holds a
8½ diploma therefrom, or holds a diploma from a school of practical nursing
9 operated by a board of education in this State and is certified by the Depart-
9½ ment of Education as having completed the number of hours of instruction
10 in the subjects in the curriculum prescribed by the board and an approved
10½ course of affiliation, or has equivalent qualifications as determined by the board.

11 b. License.

12 (1) By examination. The applicant shall be required to pass a writ-
13 ten examination in such subjects as the board may determine, which
14 examination may be supplemented by an oral or practical examination
15 or both. Upon successfully passing such examinations, the applicant shall
16 be licensed by the board to practice practical nursing.

17 (2) By endorsement without examination. The board may issue a
18 license to practice practical nursing without examination to any appli-
19 cant who has been duly licensed as a practical nurse or a person entitled
20 to perform similar services under a different title by practical nurse
21 examination or by original waiver under the laws of another State, ter-
22 ritory or possession of the United States, or the District of Columbia,
23 if in the opinion of the board the applicant has the qualifications
24 required by this act for licensing of practical nurses or equivalent
25 qualifications.

26 (3) Waiver. If application therefor is made within two years after
27 the effective date of this act, the board may issue without examination
28 a license to practice practical nursing to an applicant who submits to
29 the board evidence in such form as the board may prescribe that the
30 applicant has qualifications (1) and (2) provided in subsection "a" of
31 this section and has had at least two years of satisfactory experience
32 in practical nursing, at least one year of which shall have been performed
33 in this State except in cases of such nursing performed in an agency
34 or service of the Federal Government; *provided*, that, except in cases
35 of such nursing performed in an agency or service of the Federal Gov-
36 ernment, such applicant is endorsed under oath by two members of the
37 Medical Society of New Jersey who have personal knowledge of the
38 applicant's qualifications and satisfactory performance of practical nurs-
39 ing and by two persons who have employed the applicant.

40 c. Fees. An applicant for license by examination shall pay to the board
41 at the time of application a fee of ten dollars (\$10.00) and at the time of

42 each application for re-examination a fee of five dollars (\$5.00). At the
43 time of application an applicant for license without examination shall pay
44 to the board a fee of five dollars (\$5.00), and an applicant for license by
45 waiver shall pay to the board a fee of ten dollars (\$10.00).

46 d. Title used by licensee. Any person who holds a license to practice
47 practical nursing under this act shall during the effective period of such
48 license be entitled to use the title "Licensed Practical Nurse" but no ab-
49 breviation thereof. The effective period of a license or a renewal thereof
50 shall commence on the date of issuance and shall terminate at the end of the
51 calendar year in which it is issued, and shall not include any period or sus-
52 pension ordered by the board as hereinafter provided.

1 6. Renewal of license. Applications for renewal of licenses issued under
2 this act shall be made at such times and in such form and contain such infor-
3 mation as the board shall prescribe and shall be accompanied by a renewal
4 fee of one dollar (\$1.00).

1 7. Duplicate licenses. Upon proof satisfactory to the board that a license
2 has been lost, stolen, mutilated or destroyed, and upon payment to it of a fee
3 of five dollars (\$5.00) the board may issue a duplicate license.

1 8. Change of name. Upon proof satisfactory to the board of change of
2 name by action of a court of competent jurisdiction and upon payment of a
3 fee of two dollars and fifty cents (\$2.50) the board shall note the change
4 of name upon its records and the subsisting license.

1 9. Disposition of funds and other property. All funds in the custody
2 of the secretary-treasurer of the State Board of Examiners of Nurses shall
3 be transferred and delivered to the secretary-treasurer of the board hereby
4 created and from such funds and all fees and penalties received and recov-
5 ered by the board under this act the board shall make all disbursements nec-
6 essary for the proper performance and discharge of its duties and powers
7 and the full and effective administration of this act. All records and equip-
8 ment and other property of the State Board of Examiners of Nurses are
9 hereby transferred to the board.

1 10. Refusal to renew a license; revocation or suspension of a license;
2 notice; hearing; review. The board may refuse to renew a license, may
3 suspend a license or revoke a license for any of the following causes: dis-
4 honesty; unfitness or incompetency; conduct derogatory to nursing; fraud
5 or willful misrepresentation in an application for license or renewal thereof;
6 willful or repeated violations of any provision of this act; conviction whether
7 by trial or plea of guilty, non vult, or nolo contendere of a crime involving
8 moral turpitude or indicating unfitness to practice nursing or of a violation
9 of this act. The board may revoke any license for mistake of the board
10 with respect to any material matter. No license shall be suspended or revoked
11 or renewal of license refused except upon compliance with the fol-
12 lowing procedure: A complaint shall be filed with the board specify-
13 ing the charges and may be made by any member or employee of
13½ the board upon information or belief. At least ten days prior
14 to the time fixed for hearing notice of such hearing together with a copy
15 of the complaint shall be served personally or sent by registered mail
16 addressed to the licensee at the licensee's address appearing upon records
17 of the board. Licensee shall have the right to be represented by counsel,
18 to cross-examine witnesses produced against the licensee, and to offer evi-
19 dence. At the request of licensee or on the board's own motion the board
20 shall issue subpoenas signed by a member of the board to compel the appear-
21 ance and testimony of witnesses and the production of records and docu-
22 ments, and subpoenas issued at the request of the licensee or his or her
23 counsel shall be delivered to such licensee or counsel for service. There shall
24 be paid to witnesses at the time of service of subpoenas the same fees as
25 in the case of subpoenas issued out of the circuit court. Testimony shall be
26 given under oath or affirmation administered by a member of the
27 board. Any person who shall willfully give false testimony under
28 oath or affirmation in any hearing before the board shall be guilty
29-32 of perjury. The board shall not be bound by rules of evidence
33 but its determination shall be supported by some competent evidence.

34 The determination of the board suspending or revoking a license, or
35 refusing to issue a renewal of a license after hearing, shall be reviewable
36 by the Supreme Court by certiorari provided that application therefor is
37 made within sixty days after the mailing by the board by registered mail
38 of its determination to the person affected, and a single justice of the Supreme
39 Court may hear and determine the matter. In such certiorari proceedings
40 the factual findings of the board, if supported by any competent evidence,
41 shall be binding upon the court. At any time, within two years after its
42 determination suspending, revoking or refusing to renew a license, the board
43 may in its discretion, for any cause, grant an application for a rehearing
44 and make such redetermination as the case may warrant. The board may
45 also at any time permit a person whose license has been revoked or whose
46 application for renewal has been denied, to make an original application for
47 a new license on such terms and conditions as in the judgment of the board
48 are just and equitable.

1 11. Schools of professional nursing.

2 a. Application for accreditation. Any person, partnership, association,
3 corporation or public educational institution desiring to conduct a school of
4 professional nursing shall submit to the board evidence in such form as the
5 board may require that the applicant: (1) is equipped to give the course of
6 instruction and practice set forth in the curriculum prescribed by the board,
7 part of which instruction and practice may, with the approval of the board,
8 be given by arrangement with one or more agencies or institutions approved
9 by the board for that purpose; (2) is affiliated with a hospital of such size
10 and facilities as the board may prescribe; (3) meets such other standards
11 and requirements as the board may prescribe. In any case other than an
12 application by a public educational institution the board may require evi-
13 dence of good moral character of all persons directly or indirectly inter-
14 ested in the operation of such school. Upon approval of the application the
15 board shall issue a certificate of accreditation, which may be conditional dur-
16 ing the first year.

17 b. Rights and obligations of holders of certificates of accreditation. The
18 holder of a certificate of accreditation shall have the right during the effec-
19 tive period of the certificate of accreditation to conduct a school of profes-
20 sional nursing. The effective period of such certificate or a renewal thereof
21 shall commence on the date of issuance and shall terminate at the end of
22 the fiscal year, July first to June thirtieth, in which it is issued, and shall
23 not include any period of suspension ordered by the board as hereinafter
24 provided. An accredited school of professional nursing shall admit as stu-
25 dents only persons possessing the preliminary educational requirements set
26 forth in section four hereof, shall abide by and conform to the curriculum
27 and standards of operation prescribed from time to time by the board, shall
28 make such reports to the board as the board may require, and shall submit
29 to such investigations by representatives of the board as the board may
30 require.

1 12. Renewal of certificates of accreditation. Applications for renewal of
2 certificates of accreditation issued under this act shall be made at such times
3 and in such form and contain such information as the board shall prescribe.

1 13. Refusal to renew a certificate of accreditation; suspension or revoca-
2 tion of certificates of accreditation. The board may refuse to renew a cer-
3 tificate of accreditation, may suspend or revoke a certificate of accreditation
4 for any of the following causes, attributable either to the holder of the cer-
5 tificate or to any person interested directly or indirectly in the operation of
6 the school of nursing: fraud or willful misrepresentation in connection with
7 an application for a certificate or renewal thereof; dishonesty; unfitness or
8 incompetency; conduct derogatory to nursing; willful failure to conform to
9 the curriculum, standards, or rules and regulations prescribed by the board;
10 a willful violation or repeated violations of any provision of this act; convic-
11 tion whether by trial, plea of guilty, non vult, or nolo contendere of any
12 crime involving moral turpitude or evidencing unfitness to conduct a school
13 of nursing or of a violation of this act; failure after notice from the board
14 to remove unfit or incompetent personnel of a school. The board may revoke

15 any certificate for mistake of the board with respect to any material matter.

16 Except insofar as inappropriate hereto, the provisions of section ten of
17 this act shall apply to proceedings for suspension or revocation of a cer-
18 tificate and to a refusal to renew a certificate under this section.

1 14. Failure to obey subpoena. Any person who, having been personally
2 served with a subpoena issued by the board and given or tendered the fees
3 prescribed herein, shall, without legal excuse, fail to appear before the board,
4 or fail to produce records or documents required to be produced by the
5 subpoena, or fail or refuse to testify or to answer any proper question, shall
6 forfeit for each offense a penalty of two hundred dollars (\$200.00), which
7 shall be recoverable by the board in an action brought in its name in any civil
8 court of this State having jurisdiction of an action to recover a penalty. In
9 addition to the foregoing remedy the board may apply to the Supreme Court,
10 or to a justice thereof, who shall have the power of the court for that pur-
11 pose, upon proof by affidavits of the facts, for an order returnable in not less
12 than two or more than ten days directing such person to show cause before
13 the court or the justice thereof who made the order, or to any other justice,
14 why he or she should not comply with the subpoena or order of the board,
15 and upon the return of such order the court or justice before whom the matter
16 may come on for hearing, shall examine under oath the person whose testi-
17 mony may be relevant and such person shall be given an opportunity to be
18 heard, and if the court or justice determines that such person shall be given
19 an opportunity to be heard, and if the court or justice determines that such
20 person refused, without legal excuse, to obey the command of such subpoena
21 to be examined or to answer a proper question or to produce a record or
22 documents which he or she was ordered to produce, said court or justice
23 may order said person to comply forthwith with the subpoena or order of the
24 board, and any failure to obey such order of the court or justice may be
25 punished by the court or justice as a contempt of such Supreme Court.

1 15. Violations of the act. It shall be unlawful for any person (includ-
2 ing any corporation, partnership, association or individual):

- 3-10 a. To represent in any way that such person is a registered nurse or to
11 use after his or her name the abbreviation "R. N." unless such person holds
12 a subsisting, unsuspended license as a professional nurse under this act; or
13 b. To represent in any way that such person is licensed as a practical
14 nurse or to use the title "licensed practical nurse" unless such person holds
15 a subsisting, unsuspended license as a practical nurse under this act; or
16 c. After two years after the effective date of this act, to conduct or to
17 represent in any way that such person conducts a school for professional
18 nursing, unless such person holds a subsisting, unsuspended certificate of
19 accreditation under this act.
20 d. After two years after the effective date of this act, to represent in
21 any way that such person conducts a school for practical nursing approved
22 by the board unless such person holds the subsisting, unsuspended approval
23 of the board.
24 e. To obtain or attempt to obtain by fraud a license or renewal thereof
25 or a certificate of accreditation or a renewal thereof under this act; or
26 f. To represent in any way that such person is authorized to issue a
27 license for the practice of professional nursing or practical nursing or a cer-
28 tificate of accreditation for a school of professional nursing; or
29 g. To transfer, offer to transfer, or permit the use by another of any
30 license issued under this act; or
31 h. Without the approval of the board, to transfer, offer to transfer, or
32 permit the use by another of a certificate of accreditation issued under this
33 act; or
34 i. Otherwise to violate any provision of this act; or
35 j. To aid or abet any person to violate any provision of this act.

36-37 Every person violating any of the foregoing provisions of this
38 section shall be subject to a penalty of two hundred dollars (\$200.00) for each
39 violation, and if after conviction as hereinafter provided such person shall
40 again violate any provision of this act, such person shall be subject to a
41 penalty of five hundred dollars (\$500.00) for each subsequent offense. A

42 voluntary payment of a penalty for a violation of any provision of this act
43 shall be deemed to be a conviction rendering such person liable for the
44 greater penalty for subsequent violations, and the continuation of an offense
45 after conviction shall be deemed to be a subsequent offense.

1 16. Recovery of penalties provided in section 15. The penalties provided
2 for by section fifteen shall be sued for and recovered by and in the name
3 of the board. Every district court and every court of common pleas is
4 hereby empowered, upon the filing of a complaint in writing duly verified,
5 which verification when made by any member of the board may be made
6 upon information and belief, that any person has violated any provision of
7 this act, to issue process at the suit of the board as plaintiff. The process
8 shall be either in the nature of a summons or a warrant, which process may
9 issue without an order of the court or judge first being obtained against the
10 person so charged, which process, when in the nature of a warrant, shall be
11 returnable forthwith, and when in the nature of a summons shall be return-
12 able in not less than five nor more than fifteen entire days; and such process
13 shall state what provision or provisions of the law are alleged to have been
14 violated by the defendant. The officers to serve and execute all process under
15 this section shall be the officers authorized to serve and execute process in
16 said courts. In any action to recover such penalty, the certification of any
17 member of the board under the seal of the board, that at the time of the
18 offense charged the defendant was not licensed or the defendant's license was
19 suspended, shall be received in evidence and shall be prima facie proof of the
20 facts so certified.

1 17. Judgment; commitment of defendant for nonpayment; defendant to
2 be detained, unless bond filed, upon adjournment of trial. Upon the return of
3 such process, or at any time to which the trial shall be adjourned, the court
4 shall proceed in a summary manner, without a jury, to hear testimony and to
5 determine and give judgment in the matter without the filing of any plead-
6 ings of the plaintiff for the recovery of such penalty, with costs, or for the
7 defendant. If judgment be rendered for the plaintiff the court shall cause

8 any defendant, who refuses or neglects forthwith to pay the amount of the
 9 judgment rendered against such defendant and all the costs and charges inci-
 10 dent thereto, to be committed to the county jail for a period of not less than
 11 ten days and not exceeding one hundred days in the case of a first conviction,
 12 and for a period of not less than thirty days and not more than two hundred
 13 days in the case of a subsequent conviction. The district court or court of
 14 common pleas shall have power to adjourn the hearing or trial from time to
 15 time, but, except in cases in which the first process was a summons, it shall be
 16 the duty of the judges thereof to detain the defendant in safe custody, unless
 17 the defendant shall enter into bond to the board, with at least one sufficient
 18 surety in double the amount of the penalty claimed, conditioned for the
 19 defendant's appearance on the day to which the hearing shall be adjourned,
 20 and thence from day to day until the case is disposed of, and to abide by the
 21 judgment of the court. The bond, if forfeited, may be prosecuted by the
 22 board. All penalties recovered for any violations of this act and all recov-
 23 eries upon such bonds shall be paid to the board. Neither the commitment
 24 of a defendant nor the confinement of a defendant for all or any period pre-
 25 scribed in the commitment shall be deemed to constitute payment of the judg-
 26 ment.

1 18. Form of conviction. The convictions in prosecution under this chap-
 2 ter shall be in the following or similar form:

3 "State of New Jersey }
 4 County of } ss.

5 Be It Remembered, that on this day of
 6 at, in said county, C. D., defendant, was by (the
 7 district court of, or the court of common pleas of
 8 the county of, as the case may be), con-
 9 victed of violating section of chapter of the laws of
 10 one thousand nine hundred and forty-seven, in a summary proceeding at
 11 the suit of the New Jersey Board of Nursing upon a complaint made by

12; and further, that the witnesses in said proceeding
13 who testified for the plaintiff were (name them), and the witnesses who
14 testified for the defendant were (name them).

15 Wherefore, the said court doth hereby give judgment that the plain-
16 tiff recover of the defendant dollars, penalty, and
17 dollars, cost of this proceeding.”

1 19. Signing of conviction; form of commitment. The conviction shall be
2 signed by the judge of the court before whom the conviction is had. If the
3 defendant is committed to jail in default of payment of the penalty, a com-
4 mitment in the following form shall be added, beneath the judge’s signature,
5 to the conviction:

6 “And the said C. D., neglecting and refusing to pay the amount of the
7 penalty above mentioned, with costs, it is hereby ordered that the said C. D.
8 be, and he (or she) hereby is, committed to the common jail of the county of
9 for the period of days, unless the said penalty
10 and costs are sooner paid.” This commitment shall also be signed by the
11 judge, and in case of commitment of any defendant to jail, the conviction
12 and commitment shall be signed in duplicate, and one of the duplicate copies
13 shall serve the purposes of a warrant of commitment.

1 20. Signing and sealing of process; docketing of judgments in district
2 courts; issuance of execution. The clerk of any district court or of any court
3 of common pleas may sign and seal any process required to be issued under
4 this section, except a warrant of commitment. The costs recoverable in any
5 such proceeding shall be the same as costs taxed in actions in said courts,
6 and shall be recovered by the board in the event of the conviction of the
7 defendant. A judgment recovered for a penalty under the provisions of this
8 section in any district court may be docketed in the same manner as judg-
9 ments in said court are docketed under the provisions of article fourteen of
10 chapter thirty-two of the Title, Administration of Civil and Criminal Justice
11 (2:32-186 et seq.). Execution may issue for the collection of any judgment

12 obtained under this section against the personal property and body of the
13 defendant without an order first obtained for that purpose.

1 21. Court of Chancery jurisdiction to restrain violations of this act. The
2 Court of Chancery of this State is hereby vested with the jurisdiction and
3 discretionary power at the suit of the Attorney-General or of the board to
4 prevent and restrain any violation of this act.

1 22. Section 18:30-4 of the Revised Statutes is hereby repealed. Sections
2 45:11-1 to 22, inclusive, of the Revised Statutes are hereby repealed; *pro-*
3 *vided, however,* that the said sections shall continue in effect for the follow-
4 ing purposes, the necessary powers and duties vested by said sections in the
5 New Jersey State Board of Examiners of Nurses being hereby transferred
6 to the board:

7 a. to complete all proceedings with reference to applications for regis-
8 tration under said chapter filed with the New Jersey State Board of
9 Examiners of Nurses prior to the effective date of this act;

10 b. to complete and to institute and complete all proceedings for revoca-
11 tion of certificates of registration issued under that chapter by reason of any
12 facts arising prior to the effective date of this act.

13 The board is hereby empowered to take over and complete all unfinished
14 undertakings or projects of the New Jersey State Board of Examiners of
15 Nurses and to assume and pay all obligations incurred by that board.

1 23. Should any section or provision of this act or its application to any
2 person in any situation be held to be invalid for any reason by any court of
3 competent jurisdiction, such invalidity shall not affect the validity of this act
4 as a whole or any part thereof, other than the portion or the application of
5 any portion so held to be invalid.

1 24. This act shall take effect immediately.

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ASSEMBLY AMENDMENT TO

SENATE, No. 50

STATE OF NEW JERSEY

ADOPTED APRIL 1, 1947

Amend page 18, section 22, line 1—after “section” omit “18:30-4”, add
“18:20-4”.

[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 50

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 3, 1947

By Mr. WRIGHT

Referred to Committee on Public Health

AN ACT to regulate and control the teaching and practice of nursing and to
prescribe penalties for the violations thereof (Revision of 1947).

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

1 1. Definitions. As used in this act.

2 a. The words "the board" mean the New Jersey Board of Nursing
3 created by this act.

4 b. The word "nursing" includes "professional nursing" and "practical
5 nursing." "Professional nursing" is the performance of any profes-
6 sional service requiring the application of principles of nursing based
7 on biological, physical and social sciences, including responsible super-
8 vision of a patient requiring skill in observation of symptoms and reactions
9 and the accurate recording of the facts and carrying out of treatments and
10 medications prescribed by a licensed physician, and the application of such
11 nursing procedures as involve understanding of cause and effect in order to
12 safeguard life and health of a patient and others. "Practical nursing" is
13 the performance of such duties as are required in the care of a pa-
14 tient in carrying out of medical orders prescribed by a licensed physi-
15 cian, requiring an understanding of elementary nursing but not requir-
16 ing the professional service outlined in the definition of professional nursing.

17 The terms "nursing," "professional nursing," and "practical nursing"
18 as used in this act shall not be construed to include services performed by
19 attendants, orderlies and ward helpers in hospitals and institutions or by
20 technicians, physiotherapists, or medical secretaries; nor shall any of said
21 terms be construed to include services rendered in accordance with the prac-
22 tice of the religious tenets of any well recognized church or denomination
23 which subscribes to the art of healing by prayer and the principles of which
24 are opposed to medical treatment.

1 2. The board; appointment of members; terms; oath of office.

2 a. The board; appointment; terms. The New Jersey State Board of
3 Examiners of Nurses now holding office under the provisions of Revised
4 Statutes, Title 45, chapter eleven, shall constitute the New Jersey Board of
5 Nursing and shall hold office therein until the expiration of the respective
6 periods for which they were appointed to the New Jersey State Board of
7 Examiners of Nurses. Hereafter appointments to the board shall be for the
8 following terms or for the unexpired portion of a term in the case of a va-
9 cancy for any cause within a term, and until a successor shall be appointed
10 and qualified: On July first, one thousand nine hundred and forty-seven, one
11 appointment shall be made for a term of three years. On July first, one
12 thousand nine hundred and forty-eight, one appointment shall be made for a
13 term of three years and one appointment for a term of four years. On July
14 first, one thousand nine hundred and forty-nine, one appointment shall be
15 made for a term of four years and one appointment for a term of five years.
16 Thereafter all appointments shall be for a term of five years. Appointments
17 shall be made by the Governor from a list of at least three qualified persons
18 for each appointment to be made whose names shall be submitted to the Gov-
19 ernor by the New Jersey State Nurses' Association at least thirty days before
20 the expiration of a term or within thirty days after the occurrence of a
21 vacancy within a term, or as promptly after the time specified as circum-
22 stances permit. Upon notice and hearing, the Governor may remove from
23 office any member of the board for neglect of duty, incompetency, unprofes-
24 sional or dishonorable conduct.

25 b. Qualifications for appointment. Each member of the board shall be a
26 citizen of the United States and a resident of this State; shall be a graduate
27 from a college or university or have had equivalent preparation as determined
28 by the board of directors of the New Jersey State Nurses' Association; shall
29 be a graduate of an accredited school of nursing within the United States;
30 shall be a registered nurse in this State; shall have had at least five years
31 experience in professional nursing following graduation from an accredited
32 school of nursing and at least two years executive or teaching experience in
33 nursing education; and shall at the time of appointment be actively engaged
34 in nursing or work relating thereto.

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

38 d. Duties and powers. The board shall have the following duties and
39 powers: (1) It shall hold annual meetings and such other meetings as it may
40 deem necessary at such times and places as the board shall prescribe and a
41 majority of the board including one officer shall constitute a quorum. (2) It
42 shall elect from its members and prescribe the duties of a president and
43 secretary-treasurer, each of whom shall serve for one year and until a suc-
44 cessor is elected. (3) It shall appoint and prescribe the duties of an executive
45 secretary to the board who need not be a member thereof but who shall be a
46 citizen of the United States, a graduate of a college or university with a major
47 in nursing education, a registered nurse of this State with at least five years
48 experience in teaching or administration or both in an accredited school of
49 professional nursing, or have equivalent qualifications as determined by the
49½ board. The executive secretary shall hold office during the will and pleasure
50 of the board. (4) It shall employ and prescribe the duties of such persons as in
51 its judgment shall be necessary for the proper performance and execution of
52 the duties and powers of the board. (5) It shall determine and pay reason-
53 able compensation and necessary expenses of the executive secretary and all
54 employees of the board. (6) It shall pay to each member of the board the

55 compensation hereinafter provided. (7) It shall have a common seal, keep an
56 official record of all its meetings, and through its secretary-treasurer report
57 annually to the Governor the work of the board. (8) It shall examine appli-
58 cants for a license or renewals thereof, issue, renew, revoke and suspend
59 licenses, as hereinafter provided. (9) It shall in its discretion investigate and
60 prosecute all violations of provisions of this act. (10) It shall keep an
61 official record which shall show the name, age, nativity and permanent place
62 of residence of each applicant and licensee and such further information
63 concerning each applicant and licensee as the board shall deem advisable.
64 The record shall show also whether the applicant was examined, licensed or
65 rejected under this and any prior act. Copies of any of the entries of the
66 record or of any certificate issued by the board may be authenticated by any
67 member of the board under its seal and when so authenticated shall be evi-
68 dence in all courts of this State of the same weight and force as the original
69 thereof. For authenticating a copy of any entry or entries contained in its
70 record the board shall be paid a fee of one dollar (\$1.00), but such authentica-
71 tion, if made at the request of any public agency of this or any other jurisdic-
72 tion, may be without fee. (11) In its discretion it may publish at such
73 times as it shall determine a list of nurses licensed under this act, a list of
74 schools of nursing accredited or approved under this act, and such other in-
75 formation as it shall deem advisable. (12) It shall prescribe standards and
76 curricula for schools of nursing and evaluate and approve courses for affilia-
77 tion. (13) It shall hear and determine applications for accreditation of
78 schools of professional nursing, conduct investigations before and after ac-
79 creditation of such schools and institutions with which they are affiliated, and
80 issue, suspend or revoke certificates of accreditation as hereinafter provided.
81 (14) It shall approve schools of practical nursing which shall conform to the
82 standards, curricula, and requirements prescribed by the board, and suspend
82½ or revoke approval for violations thereof; *provided*, that this power shall not
83 extend to schools operated by any board of education in this State. (15) It
83½ may consult with the Medical Society of New Jersey and the New Jersey

84 Hospital Association with respect to any matter relating to the administra-
84½ tion of this act and shall consult with those associations with respect to stand-
85 ards and curricula and any change thereof for schools of nursing. (16) It shall
86 issue subpoenas for the attendance of witnesses and production of documents
87 at any hearing before the board authorized by this act and any member of the
88 board shall administer an oath or affirmation to persons appearing to give
89 testimony at such hearings. (17) It may conduct any investigations, studies
90 of nursing and nursing education and related matters, and prepare and issue
91 such publications as in the judgment of the board will advance the profession
92 of nursing and its service to the public. (18) It shall perform all other func-
93 tions which are provided in this act to be performed by it or which in the
94 judgment of the board are necessary or proper for the administration of this
95 act. (19) It shall from time to time prescribe rules and regulations not incon-
96 sistent with this act.

97 d. Compensation. Each member of the board shall receive fifteen dollars
98 (\$15.00) per day for each day in which such member is actually engaged in
99 the discharge of duties and traveling and other expenses necessarily incurred
100 in the discharge of duties.

1 3. Secretary-treasurer and executive secretary; bond; accounts; reports.
2 The secretary-treasurer before taking office and the executive secretary before
3 entering upon his or her duties shall each give to the State of New Jersey
4 a bond with surety, in a penal sum to be determined by the board, condi-
5 tioned for the faithful performance of his or her duties. The secretary-
6 treasurer shall keep an account of all moneys received and expended and
7 shall render a detailed statement thereof to the State Comptroller on June
8 thirtieth of each year or as soon thereafter as practicable and shall also sub-
9 mit to the Governor on June thirtieth of each year or as soon thereafter as
10 practicable a general statement of the work of the board, including therein
11 a statement of the number of applications received, approved and rejected
12 during the year reported upon.

1 4. Professional nurses.

2 a. Qualifications of applicants. An applicant for a license to practice
3 professional nursing shall submit to the board evidence in such form as the
4 board may prescribe that said applicant: (1) has attained his or her
5 twentieth birthday; (2) is of good moral character; (3) holds a diploma from
6 an accredited four-year high school or the equivalent thereof as determined
7 by the New Jersey State Department of Public Instruction; (4) has com-
8 pleted a course of professional nursing study in an accredited school of
9 professional nursing as defined by the board and holds a diploma therefrom.

10 Notwithstanding anything herein contained, any person who possesses
11 the educational and school of professional nursing qualifications for registra-
12 tion required by the law of this State at the time of his or her graduation
13 from an accredited school of professional nursing shall be deemed to possess
14 the qualifications (3) and (4) prescribed hereinabove in this subsection.

15 b. License.

16 (1) By examination. The applicant shall be required to pass a writ-
17 ten examination in such subjects as the board may determine, which
18 examination may be supplemented by an oral or practical examination or
19 both. Upon successfully passing such examinations the applicant shall
20 be licensed by the board to practice professional nursing.

21 (2) By endorsement without examination. The board may issue a
22 license to practice professional nursing without examination to an ap-
23 plicant who has been duly licensed or registered as a registered or pro-
24 fessional nurse by examination or by original waiver under the laws of
25 another State, territory or possession of the United States, or the District
26 of Columbia, or any province of the Dominion of Canada, if in the
27 opinion of the board the applicant has the qualifications required by
28 this act for the licensing of professional nurses, or equivalent qualifica-
29 tions.

30 c. Fees. An applicant for a license by examination shall pay to the
31 board at the time of application a fee of fifteen dollars (\$15.00) and at the
32 time of each application for re-examination a fee of ten dollars (\$10.00). An

33 applicant for license without examination shall pay to the board at the time
34 of application a fee of ten dollars (\$10.00).

35 d. Nurses registered under a previous law. Any person who on the effec-
36 tive date of this act holds a subsisting certificate of registration as a regis-
37 tered nurse issued pursuant to the provisions of the act repealed by section
38 twenty-two of this act shall be deemed to be licensed as a professional nurse
39 under this act during the calendar year in which this act shall take effect, and
40 such person and any person who heretofore held a certificate of registration
41 under said act hereby repealed as aforesaid shall be entitled to a renewal of
42 such license as in the case of professional nurses licensed originally under
43 this act.

44 e. Title and abbreviations used by licensee. Any person who holds a
45 license to practice professional nursing under this act shall during the effec-
46 tive period of such license be entitled to use the title "Registered Nurse"
47 and the abbreviation "R. N." The effective period of a license or a renewal
48 thereof shall commence on the date of issuance and shall terminate at the
49 end of the calendar year in which it is issued, and shall not include any period
50 of suspension ordered by the board as hereinafter provided.

1 5. Practical nursing.

2 (a) Qualifications of applicants. An applicant for a license to prac-
3 tice practical nursing shall submit to the board evidence in such form as
4 the board may prescribe that the applicant: (1) has attained his or her
5 eighteenth birthday; (2) is of good moral character; (3) has completed two
6 years of high school or the equivalent thereof, as determined by the New
7 Jersey State Department of Public Instruction; (4) has completed a course
8 of study in a school of practical nursing approved by the board and holds a
8½ diploma therefrom, or holds a diploma from a school of practical nursing
9 operated by a board of education in this State and is certified by the Depart-
9½ ment of Education as having completed the number of hours of instruction
10 in the subjects in the curriculum prescribed by the board and an approved
10½ course of affiliation, or has equivalent qualifications as determined by the board.

11 b. License.

12 (1) By examination. The applicant shall be required to pass a writ-
13 ten examination in such subjects as the board may determine, which
14 examination may be supplemented by an oral or practical examination
15 or both. Upon successfully passing such examinations, the applicant shall
16 be licensed by the board to practice practical nursing.

17 (2) By endorsement without examination. The board may issue a
18 license to practice practical nursing without examination to any appli-
19 cant who has been duly licensed as a practical nurse or a person entitled
20 to perform similar services under a different title by practical nurse
21 examination or by original waiver under the laws of another State, ter-
22 ritory or possession of the United States, or the District of Columbia,
23 if in the opinion of the board the applicant has the qualifications
24 required by this act for licensing of practical nurses or equivalent
25 qualifications.

26 (3) Waiver. If application therefor is made within two years after
27 the effective date of this act, the board may issue without examination
28 a license to practice practical nursing to an applicant who submits to
29 the board evidence in such form as the board may prescribe that the
30 applicant has qualifications (1) and (2) provided in subsection "a" of
31 this section and has had at least two years of satisfactory experience
32 in practical nursing, at least one year of which shall have been performed
33 in this State except in cases of such nursing performed in an agency
34 or service of the Federal Government; *provided*, that, except in cases
35 of such nursing performed in an agency or service of the Federal Gov-
36 ernment, such applicant is endorsed under oath by two members of the
37 Medical Society of New Jersey who have personal knowledge of the
38 applicant's qualifications and satisfactory performance of practical nurs-
39 ing and by two persons who have employed the applicant.

40 c. Fees. An applicant for license by examination shall pay to the board
41 at the time of application a fee of ten dollars (\$10.00) and at the time of

42 each application for re-examination a fee of five dollars (\$5.00). At the
43 time of application an applicant for license without examination shall pay
44 to the board a fee of five dollars (\$5.00), and an applicant for license by
45 waiver shall pay to the board a fee of ten dollars (\$10.00).

46 d. Title used by licensee. Any person who holds a license to practice
47 practical nursing under this act shall during the effective period of such
48 license be entitled to use the title "Licensed Practical Nurse" but no ab-
49 breviation thereof. The effective period of a license or a renewal thereof
50 shall commence on the date of issuance and shall terminate at the end of the
51 calendar year in which it is issued, and shall not include any period or sus-
52 pension ordered by the board as hereinafter provided.

1 6. Renewal of license. Applications for renewal of licenses issued under
2 this act shall be made at such times and in such form and contain such infor-
3 mation as the board shall prescribe and shall be accompanied by a renewal
4 fee of one dollar (\$1.00).

1 7. Duplicate licenses. Upon proof satisfactory to the board that a license
2 has been lost, stolen, mutilated or destroyed, and upon payment to it of a fee
3 of five dollars (\$5.00) the board may issue a duplicate license.

1 8. Change of name. Upon proof satisfactory to the board of change of
2 name by action of a court of competent jurisdiction and upon payment of a
3 fee of two dollars and fifty cents (\$2.50) the board shall note the change
4 of name upon its records and the subsisting license.

1 9. Disposition of funds and other property. All funds in the custody
2 of the secretary-treasurer of the State Board of Examiners of Nurses shall
3 be transferred and delivered to the secretary-treasurer of the board hereby
4 created and from such funds and all fees and penalties received and recov-
5 ered by the board under this act the board shall make all disbursements nec-
6 essary for the proper performance and discharge of its duties and powers
7 and the full and effective administration of this act. All records and equip-
8 ment and other property of the State Board of Examiners of Nurses are
9 hereby transferred to the board.

1 10. Refusal to renew a license; revocation or suspension of a license;
2 notice; hearing; review. The board may refuse to renew a license, may
3 suspend a license or revoke a license for any of the following causes: dis-
4 honesty; unfitness or incompetency; conduct derogatory to nursing; fraud
5 or willful misrepresentation in an application for license or renewal thereof;
6 willful or repeated violations of any provision of this act; conviction whether
7 by trial or plea of guilty, non vult, or nolo contendere of a crime involving
8 moral turpitude or indicating unfitness to practice nursing or of a violation
9 of this act. The board may revoke any license for mistake of the board
10 with respect to any material matter. No license shall be suspended or revoked
11 or renewal of license refused except upon compliance with the fol-
12 lowing procedure: A complaint shall be filed with the board specify-
13 ing the charges and may be made by any member or employee of
13½ the board upon information or belief. At least ten days prior
14 to the time fixed for hearing notice of such hearing together with a copy
15 of the complaint shall be served personally or sent by registered mail
16 addressed to the licensee at the licensee's address appearing upon records
17 of the board. Licensee shall have the right to be represented by counsel,
18 to cross-examine witnesses produced against the licensee, and to offer evi-
19 dence. At the request of licensee or on the board's own motion the board
20 shall issue subpoenas signed by a member of the board to compel the appear-
21 ance and testimony of witnesses and the production of records and docu-
22 ments, and subpoenas issued at the request of the licensee or his or her
23 counsel shall be delivered to such licensee or counsel for service. There shall
24 be paid to witnesses at the time of service of subpoenas the same fees as
25 in the case of subpoenas issued out of the circuit court. Testimony shall be
26 given under oath or affirmation administered by a member of the
27 board. Any person who shall willfully give false testimony under
28 oath or affirmation in any hearing before the board shall be guilty
29-32 of perjury. The board shall not be bound by rules of evidence
33 but its determination shall be supported by some competent evidence.

34 The determination of the board suspending or revoking a license, or
35 refusing to issue a renewal of a license after hearing, shall be reviewable
36 by the Supreme Court by certiorari provided that application therefor is
37 made within sixty days after the mailing by the board by registered mail
38 of its determination to the person affected, and a single justice of the Supreme
39 Court may hear and determine the matter. In such certiorari proceedings
40 the factual findings of the board, if supported by any competent evidence,
41 shall be binding upon the court. At any time, within two years after its
42 determination suspending, revoking or refusing to renew a license, the board
43 may in its discretion, for any cause, grant an application for a rehearing
44 and make such redetermination as the case may warrant. The board may
45 also at any time permit a person whose license has been revoked or whose
46 application for renewal has been denied, to make an original application for
47 a new license on such terms and conditions as in the judgment of the board
48 are just and equitable.

1 11. Schools of professional nursing.

2 a. Application for accreditation. Any person, partnership, association,
3 corporation or public educational institution desiring to conduct a school of
4 professional nursing shall submit to the board evidence in such form as the
5 board may require that the applicant: (1) is equipped to give the course of
6 instruction and practice set forth in the curriculum prescribed by the board,
7 part of which instruction and practice may, with the approval of the board,
8 be given by arrangement with one or more agencies or institutions approved
9 by the board for that purpose; (2) is affiliated with a hospital of such size
10 and facilities as the board may prescribe; (3) meets such other standards
11 and requirements as the board may prescribe. In any case other than an
12 application by a public educational institution the board may require evi-
13 dence of good moral character of all persons directly or indirectly inter-
14 ested in the operation of such school. Upon approval of the application the
15 board shall issue a certificate of accreditation, which may be conditional dur-
16 ing the first year.

17 b. Rights and obligations of holders of certificates of accreditation. The
18 holder of a certificate of accreditation shall have the right during the effec-
19 tive period of the certificate of accreditation to conduct a school of profes-
20 sional nursing. The effective period of such certificate or a renewal thereof
21 shall commence on the date of issuance and shall terminate at the end of
22 the fiscal year, July first to June thirtieth, in which it is issued, and shall
23 not include any period of suspension ordered by the board as hereinafter
24 provided. An accredited school of professional nursing shall admit as stu-
25 dents only persons possessing the preliminary educational requirements set
26 forth in section four hereof, shall abide by and conform to the curriculum
27 and standards of operation prescribed from time to time by the board, shall
28 make such reports to the board as the board may require, and shall submit
29 to such investigations by representatives of the board as the board may
30 require.

1 12. Renewal of certificates of accreditation. Applications for renewal of
2 certificates of accreditation issued under this act shall be made at such times
3 and in such form and contain such information as the board shall prescribe.

1 13. Refusal to renew a certificate of accreditation; suspension or revoca-
2 tion of certificates of accreditation. The board may refuse to renew a cer-
3 tificate of accreditation, may suspend or revoke a certificate of accreditation
4 for any of the following causes, attributable either to the holder of the cer-
5 tificate or to any person interested directly or indirectly in the operation of
6 the school of nursing: fraud or willful misrepresentation in connection with
7 an application for a certificate or renewal thereof; dishonesty; unfitness or
8 incompetency; conduct derogatory to nursing; willful failure to conform to
9 the curriculum, standards, or rules and regulations prescribed by the board;
10 a willful violation or repeated violations of any provision of this act; convic-
11 tion whether by trial, plea of guilty, non vult, or nolo contendere of any
12 crime involving moral turpitude or evidencing unfitness to conduct a school
13 of nursing or of a violation of this act; failure after notice from the board
14 to remove unfit or incompetent personnel of a school. The board may revoke

15 any certificate for mistake of the board with respect to any material matter.

16 Except insofar as inappropriate hereto, the provisions of section ten of
17 this act shall apply to proceedings for suspension or revocation of a cer-
18 tificate and to a refusal to renew a certificate under this section.

1 14. Failure to obey subpoena. Any person who, having been personally
2 served with a subpoena issued by the board and given or tendered the fees
3 prescribed herein, shall, without legal excuse, fail to appear before the board,
4 or fail to produce records or documents required to be produced by the
5 subpoena, or fail or refuse to testify or to answer any proper question, shall
6 forfeit for each offense a penalty of two hundred dollars (\$200.00), which
7 shall be recoverable by the board in an action brought in its name in any civil
8 court of this State having jurisdiction of an action to recover a penalty. In
9 addition to the foregoing remedy the board may apply to the Supreme Court,
10 or to a justice thereof, who shall have the power of the court for that pur-
11 pose, upon proof by affidavits of the facts, for an order returnable in not less
12 than two or more than ten days directing such person to show cause before
13 the court or the justice thereof who made the order, or to any other justice,
14 why he or she should not comply with the subpoena or order of the board,
15 and upon the return of such order the court or justice before whom the matter
16 may come on for hearing, shall examine under oath the person whose testi-
17 mony may be relevant and such person shall be given an opportunity to be
18 heard, and if the court or justice determines that such person shall be given
19 an opportunity to be heard, and if the court or justice determines that such
20 person refused, without legal excuse, to obey the command of such subpoena
21 to be examined or to answer a proper question or to produce a record or
22 documents which he or she was ordered to produce, said court or justice
23 may order said person to comply forthwith with the subpoena or order of the
24 board, and any failure to obey such order of the court or justice may be
25 punished by the court or justice as a contempt of such Supreme Court.

1 15. Violations of the act. It shall be unlawful for any person (includ-
2 ing any corporation, partnership, association or individual):

- 3-10 a. To represent in any way that such person is a registered nurse or to
11 use after his or her name the abbreviation "R. N." unless such person holds
12 a subsisting, unsuspended license as a professional nurse under this act; or
13 b. To represent in any way that such person is licensed as a practical
14 nurse or to use the title "licensed practical nurse" unless such person holds
15 a subsisting, unsuspended license as a practical nurse under this act; or
16 c. After two years after the effective date of this act, to conduct or to
17 represent in any way that such person conducts a school for professional
18 nursing, unless such person holds a subsisting, unsuspended certificate of
19 accreditation under this act.
20 d. After two years after the effective date of this act, to represent in
21 any way that such person conducts a school for practical nursing approved
22 by the board unless such person holds the subsisting, unsuspended approval
23 of the board.
24 e. To obtain or attempt to obtain by fraud a license or renewal thereof
25 or a certificate of accreditation or a renewal thereof under this act; or
26 f. To represent in any way that such person is authorized to issue a
27 license for the practice of professional nursing or practical nursing or a cer-
28 tificate of accreditation for a school of professional nursing; or
29 g. To transfer, offer to transfer, or permit the use by another of any
30 license issued under this act; or
31 h. Without the approval of the board, to transfer, offer to transfer, or
32 permit the use by another of a certificate of accreditation issued under this
33 act; or
34 i. Otherwise to violate any provision of this act; or
35 j. To aid or abet any person to violate any provision of this act.

36-37 Every person violating any of the foregoing provisions of this
38 section shall be subject to a penalty of two hundred dollars (\$200.00) for each
39 violation, and if after conviction as hereinafter provided such person shall
40 again violate any provision of this act, such person shall be subject to a
41 penalty of five hundred dollars (\$500.00) for each subsequent offense. A

42 voluntary payment of a penalty for a violation of any provision of this act
43 shall be deemed to be a conviction rendering such person liable for the
44 greater penalty for subsequent violations, and the continuation of an offense
45 after conviction shall be deemed to be a subsequent offense.

1 16. Recovery of penalties provided in section 15. The penalties provided
2 for by section fifteen shall be sued for and recovered by and in the name
3 of the board. Every district court and every court of common pleas is
4 hereby empowered, upon the filing of a complaint in writing duly verified,
5 which verification when made by any member of the board may be made
6 upon information and belief, that any person has violated any provision of
7 this act, to issue process at the suit of the board as plaintiff. The process
8 shall be either in the nature of a summons or a warrant, which process may
9 issue without an order of the court or judge first being obtained against the
10 person so charged, which process, when in the nature of a warrant, shall be
11 returnable forthwith, and when in the nature of a summons shall be return-
12 able in not less than five nor more than fifteen entire days; and such process
13 shall state what provision or provisions of the law are alleged to have been
14 violated by the defendant. The officers to serve and execute all process under
15 this section shall be the officers authorized to serve and execute process in
16 said courts. In any action to recover such penalty, the certification of any
17 member of the board under the seal of the board, that at the time of the
18 offense charged the defendant was not licensed or the defendant's license was
19 suspended, shall be received in evidence and shall be prima facie proof of the
20 facts so certified.

1 17. Judgment; commitment of defendant for nonpayment; defendant to
2 be detained, unless bond filed, upon adjournment of trial. Upon the return of
3 such process, or at any time to which the trial shall be adjourned, the court
4 shall proceed in a summary manner, without a jury, to hear testimony and to
5 determine and give judgment in the matter without the filing of any plead-
6 ings of the plaintiff for the recovery of such penalty, with costs, or for the
7 defendant. If judgment be rendered for the plaintiff the court shall cause

8 any defendant, who refuses or neglects forthwith to pay the amount of the
 9 judgment rendered against such defendant and all the costs and charges inci-
 10 dent thereto, to be committed to the county jail for a period of not less than
 11 ten days and not exceeding one hundred days in the case of a first conviction,
 12 and for a period of not less than thirty days and not more than two hundred
 13 days in the case of a subsequent conviction. The district court or court of
 14 common pleas shall have power to adjourn the hearing or trial from time to
 15 time, but, except in cases in which the first process was a summons, it shall be
 16 the duty of the judges thereof to detain the defendant in safe custody, unless
 17 the defendant shall enter into bond to the board, with at least one sufficient
 18 surety in double the amount of the penalty claimed, conditioned for the
 19 defendant's appearance on the day to which the hearing shall be adjourned,
 20 and thence from day to day until the case is disposed of, and to abide by the
 21 judgment of the court. The bond, if forfeited, may be prosecuted by the
 22 board. All penalties recovered for any violations of this act and all recov-
 23 eries upon such bonds shall be paid to the board. Neither the commitment
 24 of a defendant nor the confinement of a defendant for all or any period pre-
 25 scribed in the commitment shall be deemed to constitute payment of the judg-
 26 ment.

1 18. Form of conviction. The convictions in prosecution under this chap-
 2 ter shall be in the following or similar form:

3 "State of New Jersey }
 4 County of } ss.

5 Be It Remembered, that on this day of
 6 at, in said county, C. D., defendant, was by (the
 7 district court of, or the court of common pleas of
 8 the county of, as the case may be), con-
 9 victed of violating section of chapter of the laws of
 10 one thousand nine hundred and forty-seven, in a summary proceeding at
 11 the suit of the New Jersey Board of Nursing upon a complaint made by

12; and further, that the witnesses in said proceeding
13 who testified for the plaintiff were (name them), and the witnesses who
14 testified for the defendant were (name them).

15 Wherefore, the said court doth hereby give judgment that the plain-
16 tiff recover of the defendant dollars, penalty, and
17 dollars, cost of this proceeding.”

1 19. Signing of conviction; form of commitment. The conviction shall be
2 signed by the judge of the court before whom the conviction is had. If the
3 defendant is committed to jail in default of payment of the penalty, a com-
4 mitment in the following form shall be added, beneath the judge’s signature,
5 to the conviction:

6 “And the said C. D., neglecting and refusing to pay the amount of the
7 penalty above mentioned, with costs, it is hereby ordered that the said C. D.
8 be, and he (or she) hereby is, committed to the common jail of the county of
9 for the period of days, unless the said penalty
10 and costs are sooner paid.” This commitment shall also be signed by the
11 judge, and in case of commitment of any defendant to jail, the conviction
12 and commitment shall be signed in duplicate, and one of the duplicate copies
13 shall serve the purposes of a warrant of commitment.

1 20. Signing and sealing of process; docketing of judgments in district
2 courts; issuance of execution. The clerk of any district court or of any court
3 of common pleas may sign and seal any process required to be issued under
4 this section, except a warrant of commitment. The costs recoverable in any
5 such proceeding shall be the same as costs taxed in actions in said courts,
6 and shall be recovered by the board in the event of the conviction of the
7 defendant. A judgment recovered for a penalty under the provisions of this
8 section in any district court may be docketed in the same manner as judg-
9 ments in said court are docketed under the provisions of article fourteen of
10 chapter thirty-two of the Title, Administration of Civil and Criminal Justice
11 (2:32-186 et seq.). Execution may issue for the collection of any judgment

12 obtained under this section against the personal property and body of the
13 defendant without an order first obtained for that purpose.

1 21. Court of Chancery jurisdiction to restrain violations of this act. The
2 Court of Chancery of this State is hereby vested with the jurisdiction and
3 discretionary power at the suit of the Attorney-General or of the board to
4 prevent and restrain any violation of this act.

1 22. Section 18:20-4 of the Revised Statutes is hereby repealed. Sections
2 45:11-1 to 22, inclusive, of the Revised Statutes are hereby repealed; *pro-*
3 *vided, however,* that the said sections shall continue in effect for the follow-
4 ing purposes, the necessary powers and duties vested by said sections in the
5 New Jersey State Board of Examiners of Nurses being hereby transferred
6 to the board:

7 a. to complete all proceedings with reference to applications for regis-
8 tration under said chapter filed with the New Jersey State Board of
9 Examiners of Nurses prior to the effective date of this act;

10 b. to complete and to institute and complete all proceedings for revoca-
11 tion of certificates of registration issued under that chapter by reason of any
12 facts arising prior to the effective date of this act.

13 The board is hereby empowered to take over and complete all unfinished
14 undertakings or projects of the New Jersey State Board of Examiners of
15 Nurses and to assume and pay all obligations incurred by that board.

1 23. Should any section or provision of this act or its application to any
2 person in any situation be held to be invalid for any reason by any court of
3 competent jurisdiction, such invalidity shall not affect the validity of this act
4 as a whole or any part thereof, other than the portion or the application of
5 any portion so held to be invalid.

1 24. This act shall take effect immediately.

JOURNAL
OF THE
ONE HUNDRED AND THIRD SENATE

OF THE
STATE OF NEW JERSEY

BEING THE
**One Hundred and Seventy-first Session
of the Legislature**



TRENTON, N. J.
MACCRELLISH & QUIGLEY Co., STATE PRINTERS
1947

Mr. Redding, Chairman of the Committee on Public Health, reported

Senate Bill No. 50,

Assembly Bill No. 314,

Both with committee amendments,

Signed—George A. Redding, C. Wesley Armstrong, Jr.,
David Van Alstyne, Jr.

Senate amendment proposed to Assembly Bill No. 314:

Insert on page six, section eight, after line twenty-six, a new sentence reading:

Nothing in this act or the rules and regulations adopted pursuant thereto shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any home or institution conducted for those who rely solely upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well organized church or religious denomination.

The following committee amendments to Senate Bill No. 50 were read and upon the motion of Mr. Van Alstyne the committee amendments were adopted:

Amendments proposed to Senate Bill No. 50:

(1) On page 1, in line 5, strike out the words "for compensation."

(2) On page 1, in line 13, strike out the words "for compensation."

(3) On page 2, strike out beginning with the words "to include" in line 18 through the word "construed" in line 40.

(4) On page 2, in line 40, strike out the words "to be prescribed by the board."

(5) On page 2, in line 42-3, strike out "; provided, that such services are performed under the direction and supervision of medical or professional nursing personnel;" and insert in lieu thereof the following: "or by technicians, physiotherapists, or medical secretaries."

(6) On page 2, in line 47, strike out "; provided, that such services are" and insert a period (.).

- (7) On page 3, strike out lines 48-51 inclusive.
- (8) On page 4, in line 50, insert after the word "board" the following sentence "The executive secretary shall hold office during the will and pleasure of the board."
- (9) On page 4, in line 52, strike out the word "the" where it last appears and insert in lieu thereof the word "reasonable."
- (10) On page 5, in line 83, strike out the period (.) and use semicolon (;) and insert at that point "*provided*, that this power shall not extend to schools operated by any board of education in this State."
- (11) On page 5, in line 85, strike out the period (.) and insert at that point the following: "and shall consult with those associations with respect to standards and curricula and any change thereof for schools of nursing."
- (12) On page 8, in line 44, strike out "authority to practice nursing" and capitalize T in the word Title.
- (13) On page 8, in line 46-47, strike out the words "to practice nursing in this State and."
- (15) On page 9, in line 46, strike out "Authority to practice practical nursing;" and capitalize T in the word Title.
- (16) On page 9, in line 48-49, strike out the words "to practice practical nursing and;" page 9, line 49, following the word "title," insert the word "licensed."
- (17) On page 11, in line 10, add after the word "revoked" the following: "or renewal of license refused."
- (18) On page 11, in lines 26-30, strike out the following sentence: "In any case in which the board shall refuse to renew a license the person concerned may apply to the board for a hearing with respect to such refusal and thereupon the procedure set forth herein with respect to suspension or revocation of a license shall be followed."
- (19) On page 14, in section 15, strike out lines 3-9 inclusive.
- (20) On page 15, in line 10, strike out c. and insert a. in lieu thereof.
- (21) On page 15, strike out lines 13-15 inclusive and insert in lieu thereof the following: "b. To represent in any

way that such person is licensed as a practical nurse or to use the title licensed 'practical nurse' unless such person holds a subsisting, unsuspended license as a practical nurse under this act; or."

(22) On page 15, on line 16, strike out the letter e. and insert in lieu thereof the letter c.

(23) On page 15, in line 20, strike out the letter f. and insert in lieu thereof the letter d.

(24) On page 15, in line 24, strike out the letter g. and insert in lieu thereof the letter e.

(25) On page 15, in line 26, strike out the letter h. and insert in lieu thereof the letter f.

(26) On page 15, in line 29, strike out the letter i. and insert in lieu thereof the letter g.

(27) On page 15, in line 31, strike out the letter j. and insert in lieu thereof the letter h.

(28) On page 15, in line 34, strike out the letter k. and insert in lieu thereof the letter i.

(29) On page 15, in line 35, strike out the letter l. and insert in lieu thereof the letter j.

(30) On page 15, in lines 36-7, strike out the following sentence: "A single act shall be deemed to constitute practice within the meaning of this section."

Mr. Summerill, Chairman of the Committee on Judiciary, reported

Assembly Bill No. 153,

Favorably, without amendment.

Signed—John M. Summerill, Jr., Roy V. Wright, George A. Redding.

Mr. Armstrong, Chairman of the Committee on Institutions and Agencies, reported

Assembly Bill No. 309,

Favorably, without amendment.

Signed—C. Wesley Armstrong, Jr., Harold W. Hannold, H. Rivington Pyne.

MINUTES
OF THE
VOTES AND PROCEEDINGS
OF THE
ONE HUNDRED AND SEVENTY-FIRST
GENERAL ASSEMBLY
OF THE
STATE OF NEW JERSEY

Preceded by Minutes of the Second Special Session
of the 170th General Assembly,
September 30, 1946



TRENTON, N. J.
MACCRELLISH & QUIGLEY Co., STATE PRINTERS
1947

MINUTES OF THE
SECOND SPECIAL SESSION

SEPTEMBER 30, 1946

(1159)

Assembly Bill No. 388, entitled "An act concerning the appointment of the municipal manager in municipalities having municipal manager government, and amending section 40:82-2 of the Revised Statutes,"

All without Senate amendment.

OLIVER F. VAN CAMP,
Secretary of the Senate.

Whereupon the Clerk delivered Assembly bills referred to in Senate message to Mr. Searles, Chairman of Assembly Joint Committee on Passed bills, for presentation to the Governor for his approbation.

Mr. Miller asked for the record on Senate Bill No. 50 which was furnished by the Clerk.

Mr. Miller asked unanimous consent of the House to amend Senate Bill No. 50 on third reading.

There being no objection consent was granted.

Mr. Miller offered the following amendment to Senate Bill No. 50, which was read.

Assembly amendment proposed to Senate Bill No. 50:

Page 18, section 22, line 1, after "section" omit "18:30-4" and add "18:20-4."

Mr. Miller moved the adoption of the amendment.

Which motion was adopted.

Senate Bill No. 50, entitled "An act to regulate and control the teaching and practice of nursing and to prescribe penalties for the violations thereof (Revision of 1947),"

As amended,

Was taken up, and, on motion of Mr. Miller, under suspension of the rules, was read a third time by its title and passed by the following vote:

In the affirmative were—

Messrs. Artaserse, Bator, Brescher, Cavinato, Clemens, Cozzoline, Dickson, W. H., Dixon, A. F., Doremus, Freeman, Friedland, Geddes, Greenbaum, Griffiths, Grogan, Harris, Herbert, Herrmann, Hess, Hill,

Hillery, Hoff, Jones, C. C., Jones, W. H., Keim, Litvany, Manley, Mathis, McCay, Mehorter, Miller, Mischlich, Morrison, Musto, Pike, Reiffin, Russell, Sanderson, Savage, Schaeffer, Searles, Smith, Stults, Thomas, Thompson, Tumulty, Urbanski-Courtney, Widnall, Wilson—49.

In the negative were—

Messrs. Brown, Kates, Peel—3.

Ordered, that the Speaker sign the said bill, and that the Clerk carry it to the Senate and inform the Senate that the House of Assembly has passed the same, and requests its concurrence therein.

Senate Bill No. 66, entitled "An act to authorize the State Department of Institutions and Agencies to receive from the Federal Government certain moneys for the purpose of making payments for construction of hospitals, including public health centers and related facilities, within the State and for an inventory and survey in connection therewith, under or pursuant to any Federal law providing for the payment of such moneys, and to provide for the designation of a State agency as the sole agency of the State for the carrying out purposes of such law and empowering such State agency so to act,"

Was taken up, and, on motion of Mr. McCay, under suspension of the rules, was read a third time by its title and passed by the following vote:

In the affirmative were—

Messrs. Artaserse, Bator, Brescher, Brown, Cavinato, Clemens, Cozzoline, Dickson, W. H., Doremus, Freeman, Friedland, Geddes, Greenbaum, Griffiths, Grogan, Harris, Herbert, Herrmann, Hess, Hill, Hoff, Jones, C. C., Jones, W. H., Kates, Keim, Litvany, Manley, Mathis, McCay, Mehorter, Miller, Mischlich, Morrison, Musto, Peel, Pike, Reiffin, Russell, Sanderson, Savage, Schaeffer, Searles, Smith, Stults, Thomas, Thompson, Tumulty, Urbanski-Courtney, Vogel, Widnall, Wilson—51.

In the negative—None.

Ordered, that the Speaker sign the said bill, and that the Clerk carry it to the Senate and inform the Senate that the House of Assembly has passed the same, and requests its concurrence therein.

Mr. Brescher moved that the call of the House be lifted.

Which motion was adopted.

Mr. Brescher moved that the House adjourn.

The Speaker declared the House adjourned.

In accordance with the direction of the Speaker the Clerk carried Assembly Bill No. 17 to the Senate and informed it that the House had passed the same and asks its concurrence therein.

In accordance with the direction of the Speaker the Clerk carried the following bills to the Senate and informed it that the House had passed the same and asks its concurrence therein:

Assembly Bills Nos. 241, 437 and 13.

In accordance with the direction of the Speaker the Clerk carried Senate Bill No. 66 to the Senate and informed it that the House had passed the same without amendments.

In accordance with the direction of the Speaker the Clerk carried the following bills to the Senate and informed it that the House had passed the same without amendments:

Senate Bills Nos. 69, 156, 65, 64, 162 and 104.

In accordance with the direction of the Speaker the Clerk carried the following bills to the Senate and informed it that the House had passed the same and asks its concurrence therein:

Assembly Bills Nos. 33, 43, 89, 95, 131, 140, 172, 173, 200, Committee Substitute for Assembly Bill No. 219, Committee Substitute for Assembly Bill No. 280, 240, 289, 313, 347, 361, 392, 404, 430 and 436.

In accordance with the direction of the Speaker the Clerk carried Committee Substitute for Assembly Bills Nos. 365 and 366 to the Senate and informed it that the House had passed the same and asks its concurrence therein.