

ASSEMBLY, No. 555

STATE OF NEW JERSEY

INTRODUCED MARCH 10, 1952

By Messrs. TOMPKINS and KURTZ

Referred to Committee on Revision and Amendment of Laws

AN ACT to amend "An act to regulate and control the teaching and practice of nursing and to prescribe penalties for the violations thereof (Revision of 1947)," approved June eleventh, one thousand nine hundred and forty-seven (P. L. 1947, c. 262).

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

1 1. Section four of the act of which this act is amendatory is amended to
2 read as follows:

3 4. Professional nurses.

4 a. Qualifications of applicants. An applicant for a license to practice
5 professional nursing shall submit to the board evidence in such form as the
6 board may prescribe that said applicant: (1) has attained his or her twen-
7 tieth birthday; (2) is of good moral character, is not a habitual user of
8 drugs and has never been convicted or has not pleaded nolo contendere, non
9 vult contendere or non vult to an indictment, information or complaint al-
10 leging a violation of any Federal or State law relating to narcotic drugs;
11 (3) holds a diploma from an accredited four-year high school or the equiva-
12 lent thereof as determined by the New Jersey State Department of Public
13 Instruction; (4) has completed a course of professional nursing study in an
14 accredited school of professional nursing as defined by the board and holds a
15 diploma therefrom.

16 Notwithstanding anything herein contained, any person who possesses
17 the educational and school of professional nursing qualifications for regis-
18 tration required by the law of this State at the time of his or her graduation
19 from an accredited school of professional nursing shall be deemed to possess
20 the qualifications (3) and (4) prescribed hereinabove in this subsection.

21 b. License.

22 (1) By examination. The applicant shall be required to pass a
23 written examination in such subjects as the board may determine, which
24 examination may be supplemented by an oral or practical examination or
25 both. Upon successfully passing such examinations the applicant shall
26 be licensed by the board to practice professional nursing.

27 (2) By endorsement without examination. The board may issue a
28 license to practice professional nursing without examination to an appli-
29 cant who has been duly licensed or registered as a registered or profes-
30 sional nurse by examination or by original waiver under the laws of an-
31 other State, territory or possession of the United States, or the District
32 of Columbia, or any province of the Dominion of Canada, if in the opin-
33 ion of the board the applicant has the qualifications required by this act
34 for the licensing of professional nurses, or equivalent qualifications.

35 c. Fees. An applicant for a license by examination shall pay to the
36 board at the time of application a fee of fifteen dollars (\$15.00) and at
37 the time of each application for re-examination a fee of ten dollars (\$10.00).
38 An applicant for license without examination shall pay to the board at the
39 time of application a fee of ten dollars (\$10.00).

40 d. Nurses registered under a previous law. Any person who on the ef-
41 fective date of this act holds a subsisting certificate of registration as a
42 registered nurse issued pursuant to the provisions of the act repealed by sec-
43 tion twenty-two of this act shall be deemed to be licensed as a professional
44 nurse under this act during the calendar year in which this act shall take
45 effect, and such person and any person who heretofore held a certificate of
46 registration under said act hereby repealed as aforesaid shall be entitled to

47 a renewal of such license as in the case of professional nurses licensed orig-
48 inally under this act.

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

1 2. Section five of the act of which this act is amendatory is amended to
2 read as follows:

2A 5. Practical nursing.

3 (a) Qualifications of applicants. An applicant for a license to practice
4 practical nursing shall submit to the board evidence in such form as the
5 board may prescribe that the applicant: (1) has attained his or her eighteenth
6 birthday; (2) is of good moral character, is not a habitual user of drugs and
7 has never been convicted or has not pleaded nolo contendere, non vult con-
8 tendere or non vult to an indictment, information or complaint alleging a vio-
9 lation of any Federal or State law relating to narcotic drugs; (3) has com-
10 pleted two years of high school or the equivalent thereof, as determined by
11 the New Jersey State Department of Public Instruction; (4) has completed
12 a course of study in a school of practical nursing approved by the board and
13 holds a diploma therefrom, or holds a diploma from a school of practical
14 nursing operated by a board of education in this State and is certified by
15 the Department of Education as having completed the number of hours of in-
16 struction in the subjects in the curriculum prescribed by the board and an ap-
17 proved course of affiliation, or has equivalent qualifications as determined by
18 the board.

19 (b) License.

20 (1) By examination. The applicant shall be required to pass a writ-
21 ten examination in such subjects as the board may determine, which ex-

22 amination may be supplemented by an oral or practical examination or
23 both. Upon successfully passing such examinations, the applicant shall
24 be licensed by the board to practice practical nursing.

25 (2) By endorsement without examination. The board may issue a
26 license to practice practical nursing without examination to any appli-
27 cant who has been duly licensed as a practical nurse or a person entitled
28 to perform similar services under a different title by practical nurse ex-
29 amination or by original waiver under the laws of another State, terri-
30 tory or possession of the United States, or the District of Columbia, if
31 in the opinion of the board the applicant has the qualifications required
32 by this act for licensing of practical nurses or equivalent qualifications.

33 (3) Waiver. If application therefor is made on or before June
34 eleventh, one thousand nine hundred and fifty, the board may issue with-
35 out examination a license to practice practical nursing to an applicant
36 who submits to the board evidence in such form as the board may pre-
37 scribe that the applicant has qualifications (1) and (2) provided in sub-
38 section "a" of this section and has had at least two years of satisfactory
39 experience in practical nursing, at least one year of which shall have
40 been performed in this State except in cases of such nursing performed
41 in an agency or service of the Federal Government; *provided*, that, ex-
42 cept in cases of such nursing performed in an agency or service of the
43 Federal Government, such applicant is endorsed under oath by two phy-
44 sicians duly licensed to practice medicine and surgery in New Jersey who
45 have personal knowledge of the applicant's qualifications and satisfac-
46 tory performance of practical nursing and by two persons who have
47 employed the applicant.

48 (c) Fees. An applicant for license by examination shall pay to the
49 board at the time of application a fee of ten dollars (\$10.00) and at the time
50 of each application for re-examination a fee of five dollars (\$5.00). At the
51 time of application an applicant for license without examination shall pay
52 to the board a fee of five dollars (\$5.00), and an applicant for license by
53 waiver shall pay to the board a fee of ten dollars (\$10.00).

54 (d) Title used by licensee. Any person who holds a license to practice
55 practical nursing under this act shall during the effective period of such
56 license be entitled to use the title "Licensed Practical Nurse" but no abbrevi-
57 ation thereof. The effective period of a license or a renewal thereof shall
58 commence on the date of issuance and shall terminate at the end of the cal-
59 endar year in which it is issued, and shall not include any period of suspen-
60 sion ordered by the board as hereinafter provided.

1 3. Section ten of the act of which this act is amendatory is amended to
2 to read as follows:

3 10. Refusal to renew a license; revocation or suspension of a license;
4 notice; hearing; review. The board may refuse to renew a license, may sus-
5 pend a license or revoke a license for any of the following causes: dishonesty;
6 unfitness or incompetency; conduct derogatory to nursing; fraud or willful
7 misrepresentation in an application for license or renewal thereof; willful
8 or repeated violations of any provision of this act; conviction whether by trial
9 or plea of guilty, non vult, or nolo contendere of a crime involving moral
10 turpitude or indicating unfitness to practice nursing or of a violation of this
11 act and shall refuse to renew or shall revoke a license where the applicant or
12 holder is a habitual user of drugs or has been convicted or has pleaded nolo-
13 contendere, non vult contendere or non vult to an indictment, information or
14 complaint alleging a violation of any Federal or State law relating to nar-
15 cotic drugs. The board may revoke any license for mistake of the board with
16 respect to any material matter. No license shall be suspended or revoked or
17 renewal of license refused except upon compliance with the following pro-
18 cedure: A complaint shall be filed with the board specifying the charges and
19 may be made by any member or employee of the board upon information or
20 belief. At least ten days prior to the time fixed for hearing notice of such
21 hearing together with a copy of the complaint shall be served personally or
22 sent by registered mail addressed to the licensee at the licensee's address ap-
23 pearing upon records of the board. Licensee shall have the right to be rep-
24 resented by counsel, to cross-examine witnesses produced against the licensee,

25 and to offer evidence. At the request of licensee or on the board's own
26 motion the board shall issue subpoenas signed by a member of the board to
27 compel the appearance and testimony of witnesses and the production of rec-
28 ords and documents, and subpoenas issued at the request of the licensee or
29 his or her counsel shall be delivered to such licensee or counsel for service.
30 These shall be paid to witnesses at the time of service of subpoenas the same
31 fees as in the case of subpoenas issued out of the [circuit] Superior Court.
32 Testimony shall be given under oath or affirmation administered by a mem-
33 ber of the board. Any person who shall willfully give false testimony under
34 oath or affirmation in any hearing before the board shall be guilty of perjury.
35 The board shall not be bound by rules of evidence but its determination shall
36 be supported by some competent evidence. The determination of the board
37 suspending or revoking a license, or refusing to issue a renewal of a license
38 after hearing, shall be reviewable by [the Supreme Court by certiorari pro-
39 vided that application therefor is made within sixty days after the mailing
40 by the board by registered mail of its determination to the person affected,
41 and a single justice of the Supreme Court may hear and determine the mat-
42 ter. In such certiorari proceedings the factual findings of the board, if sup-
43 ported by any competent evidence, shall be binding upon the court] pro-
44 ceedings in lieu of the prerogative writs. At any time, within two years
45 after its determination suspending, revoking or refusing to renew a license,
46 the board may in its discretion, for any cause, grant an application for a
47 rehearing and make such redetermination as the case may warrant. The
48 board may also at any time permit a person whose license has been revoked
49 or whose application for renewal has been denied, to make an original appli-
50 cation for a new license on such terms and conditions as in the judgment of the
51 board are just and equitable.

1 4. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to establish qualifications of applicants for license to practice professional nursing or practical nursing. It authorizes the Nursing Board to refuse the application of a person who is an habitual user of drugs or has been convicted of the violation of any Federal or State law relating to narcotic drugs. It also authorizes the Nursing Board to refuse to renew or revoke a license upon such grounds. This bill is recommended by the legislative commission to study narcotics, appointed pursuant to J. R. 8, 1951.

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11 (3) holds a diploma from an accredited four-year high school or the equiva-
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13 Instruction; (4) has completed a course of professional nursing study in an
14 accredited school of professional nursing as defined by the board and holds a
15 diploma therefrom.

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16 Notwithstanding anything herein contained, any person who possesses
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18 tration required by the law of this State at the time of his or her graduation
19 from an accredited school of professional nursing shall be deemed to possess
20 the qualifications (3) and (4) prescribed hereinabove in this subsection.

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19 may be made by any member or employee of the board upon information or
20 belief. At least ten days prior to the time fixed for hearing notice of such
21 hearing together with a copy of the complaint shall be served personally or
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23 pearing upon records of the board. Licensee shall have the right to be rep-
24 resented by counsel, to cross-examine witnesses produced against the licensee,

25 and to offer evidence. At the request of licensee or on the board's own
26 motion the board shall issue subpoenas signed by a member of the board to
27 compel the appearance and testimony of witnesses and the production of rec-
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29 his or her counsel shall be delivered to such licensee or counsel for service.
30 There shall be paid to witnesses at the time of service of subpoenas the
31 same fees as in the case of subpoenas issued out of the Superior Court.
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34 oath or affirmation in any hearing before the board shall be guilty of perjury.
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37 suspending or revoking a license, or refusing to issue a renewal of a license
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40 ing, revoking or refusing to renew a license, the board may in its discretion,
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42 nation as the case may warrant. The board may also at any time permit a
43 person whose license has been revoked or whose application for renewal has
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55 practical nursing under this act shall during the effective period of such
56 license be entitled to use the title "Licensed Practical Nurse" but no abbrevi-
57 ation thereof. The effective period of a license or a renewal thereof shall
58 commence on the date of issuance and shall terminate at the end of the cal-
59 endar year in which it is issued, and shall not include any period or suspen-
60 sion ordered by the board as hereinafter provided.

1 3. Section ten of the act of which this act is amendatory is amended to
2 to read as follows:

3 10. Refusal to renew a license; revocation or suspension of a license;
4 notice; hearing; review. The board may refuse to renew a license, may sus-
5 pend a license or revoke a license for any of the following causes: dishonesty;
6 unfitness or incompetency; conduct derogatory to nursing; fraud or willful
7 misrepresentation in an application for license or renewal thereof; willful
8 or repeated violations of any provision of this act; conviction whether by trial
9 or plea of guilty, non vult, or nolo contendere of a crime involving moral
10 turpitude or indicating unfitness to practice nursing or of a violation of this
11 act and shall refuse to renew or shall revoke a license where the applicant or
12 holder is a habitual user of drugs or has been convicted or has pleaded nolo
13 contendere, non vult contendere or non vult to an indictment, information or
14 complaint alleging a violation of any Federal or State law relating to nar-
15 cotic drugs. The board may revoke any license for mistake of the board with
16 respect to any material matter. No license shall be suspended or revoked or
17 renewal of license refused except upon compliance with the following pro-
18 cedure: A complaint shall be filed with the board specifying the charges and
19 may be made by any member or employee of the board upon information or
20 belief. At least ten days prior to the time fixed for hearing notice of such
21 hearing together with a copy of the complaint shall be served personally or
22 sent by registered mail addressed to the licensee at the licensee's address ap-
23 pearing upon records of the board. Licensee shall have the right to be rep-
24 resented by counsel, to cross-examine witnesses produced against the licensee,

25 and to offer evidence. At the request of licensee or on the board's own
26 motion the board shall issue subpoenas signed by a member of the board to
27 compel the appearance and testimony of witnesses and the production of rec-
28 ords and documents, and subpoenas issued at the request of the licensee or
29 his or her counsel shall be delivered to such licensee or counsel for service.
30 There shall be paid to witnesses at the time of service of subpoenas the
31 same fees as in the case of subpoenas issued out of the Superior Court.
32 Testimony shall be given under oath or affirmation administered by a mem-
33 ber of the board. Any person who shall willfully give false testimony under
34 oath or affirmation in any hearing before the board shall be guilty of perjury.
35 The board shall not be bound by rules of evidence but its determination shall
36 be supported by some competent evidence. The determination of the board
37 suspending or revoking a license, or refusing to issue a renewal of a license
38 after hearing, shall be reviewable by appeal in accordance with the Rules of
39 the Supreme Court. At any time, within two years after its determination
40 suspending, revoking or refusing to renew a license, the board may in its
41 discretion, for any cause, grant an application for a rehearing and make such
42 redetermination as the case may warrant. The board may, notwithstanding
43 any other provision hereof, also at any time permit a person whose license
44 has been revoked or whose application for renewal has been denied, to make
45 an original application for a new license on such terms and conditions as
46 in the judgment of the board are just and equitable.

1 4. This act shall take effect immediately.