

45: 11-23

LEGISLATIVE HISTORY CHECKLIST
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(Nurse-practitioner)

NJSA: 45:11-23

LAWS OF: 1991 CHAPTER: 377

BILL NO: S3491

SPONSOR(S) Lipman

DATE INTRODUCED: May 13, 1991

COMMITTEE: ASSEMBLY: ---
SENATE: Labor

AMENDED DURING PASSAGE: No Senate Substitute Enacted

DATE OF PASSAGE: ASSEMBLY: January 10, 1992
SENATE: December 16, 1992

DATE OF APPROVAL: January 15, 1992

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: No
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE:

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: Yes

HEARINGS: No

Report mentioned:
974.90 New Jersey. Governor's Commission on Health Care Costs.
I59 Report...October 1, 1990.
1990 [pp17-18]

See newspaper clippings-attached.

KBG/pp

SENATE SUBSTITUTE FOR
SENATE, No. 3491 SCS
STATE OF NEW JERSEY

ADOPTED DECEMBER 9, 1991

Sponsored by Senator LIPMAN

1 AN ACT providing for the certification of nurse
2 practitioners/clinical nurse specialists and granting them
3 prescriptive powers under certain circumstances, and revising
4 parts of the statutory law.

5

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

8 1. (New section) This act shall be known and may be cited as
9 the "Nurse Practitioner/Clinical Nurse Specialist Certification
10 Act."

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

13 1. As used in this act:

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

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

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

40 The terms "nursing," "professional nursing," and "practical

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

Matter underlined thus is new matter.

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

48 c. "Homemaker-home health aide" means a person who is
49 employed by a home care services agency and who is performing

1 delegated nursing regimens or nursing tasks delegated through the
2 authority of a duly licensed registered professional nurse. "Home
3 care services agency" means home health agencies licensed by the
4 Department of Health pursuant to P.L.1971, c.136 (C.26:2H-1 et
5 al.), nonprofit homemaker-home health aide agencies, and
6 employment agencies and temporary help services firms regulated
7 by the Director of the Division of Consumer Affairs in the
8 Department of Law and Public Safety and the Attorney General
9 pursuant to [P.L.1951, c.337 (C.34:8-24 et seq.)] P.L.1989, c.331
10 (C.34:8-43 et seq.) and P.L.1960, c.39 (C.56:8-1 et seq.)
11 respectively, which are engaged in the business of procuring or
12 offering to procure employment for homemaker-home health
13 aides, where a fee is exacted, charged or received directly or
14 indirectly for procuring or offering to procure that employment.

15 d. "Nurse practitioner/clinical nurse specialist" means a person
16 who holds a certification in accordance with section 8 or 9 of
17 P.L. , c. (C.) (now pending before the Legislature as this
18 bill.)

19 e. "Collaborating physician" means a person licensed to
20 practice medicine and surgery pursuant to chapter 9 of Title 45 of
21 the Revised Statutes who agrees to work with a nurse
22 practitioner/clinical nurse specialist.

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

26 (cf: P.L.1989, c.98, s.1)

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

29 2. a. The board; appointment; terms. In addition to the
30 members appointed to represent the interests of the public
31 pursuant to P.L.1971, c.60 as amended by P.L.1977, c.285
32 (C.45:1-2.2) the New Jersey Board of Nursing shall consist of 10
33 members, [seven] six of whom shall be registered professional
34 nurses, two of whom shall be licensed practical nurses, one of
35 whom shall be a nurse practitioner/clinical nurse specialist, and
36 one of whom shall be an additional public member, all to be
37 appointed by the Governor. Appointments to the board shall be for
38 terms of five years or for the unexpired portion of a term in the
39 case of a vacancy for any cause within a term, and until a
40 successor shall be appointed and qualified. In making
41 appointments the Governor shall give due consideration to, but
42 shall not be bound by, recommendations submitted by the various
43 nurses' professional associations of this State. Upon notice and
44 hearing, the Governor may remove from office any member of the
45 board for neglect of duty, incompetency, unprofessional or
46 dishonorable conduct.

47 b. Qualifications for appointment. The nurse
48 practitioner/clinical nurse specialist member shall be a resident of
49 this State, shall be a graduate of an accredited nurse

1 practitioner/clinical nurse specialist program, shall have had at
2 least five years' experience in professional nursing, shall at the
3 time of appointment be actively working as a nurse
4 practitioner/clinical nurse specialist, and, except for the member
5 first appointed, shall hold a certification as a nurse
6 practitioner/clinical nurse specialist pursuant to P.L. , c.
7 (C.)(now pending before the Legislature as this bill). Each
8 registered professional nurse member of the board shall be a
9 citizen of the United States and a resident of this State; shall be a
10 graduate of an accredited school of nursing within the United
11 States; shall be a registered nurse in this State; shall have had at
12 least five years' experience in professional nursing following
13 graduation from an accredited school of nursing; and shall at the
14 time of appointment be actively engaged in nursing or work
15 relating thereto. The licensed practical nurse members of the
16 board shall be citizens of the United States and residents of this
17 State; shall hold a valid license to practice practical nursing in this
18 State; shall have had at least three years' experience in practical
19 nursing; and shall at the time of appointment be actively engaged
20 in practical nursing or work related thereto.

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

25 d. Duties and powers. The board shall have the following duties
26 and powers: (1) It shall hold annual meetings and such other
27 meetings as it may deem necessary at such times and places as the
28 board shall prescribe and a majority of the board including one
29 officer shall constitute a quorum. (2) It shall elect from its
30 members and prescribe the duties of a president and
31 secretary-treasurer, each of whom shall serve for one year and
32 until a successor is elected. (3) It shall appoint and prescribe the
33 duties of an executive secretary to the board who need not be a
34 member thereof but who shall be a citizen of the United States, a
35 graduate of a college or university with a major in nursing
36 education, a registered nurse of this State with at least five years'
37 experience in teaching or administration or both in an accredited
38 school of professional nursing, or have equivalent qualifications as
39 determined by the board. The executive secretary shall hold office
40 during the will and pleasure of the board. (4) It shall employ and
41 prescribe the duties of such persons as in its judgment shall be
42 necessary for the proper performance and execution of the duties
43 and powers of the board. (5) It shall determine and pay reasonable
44 compensation and necessary expenses of the executive secretary
45 and all employees of the board. (6) It shall pay to each member of
46 the board the compensation hereinafter provided. (7) It shall have
47 a common seal, keep an official record of all its meetings, and
48 through its secretary-treasurer report annually to the Governor
49 the work of the board. (8) It shall examine applicants for a license

1 or renewals thereof, issue, renew, revoke and suspend licenses, as
2 hereinafter provided. (9) It shall in its discretion investigate and
3 prosecute all violations of provisions of this act. (10) It shall keep
4 an official record which shall show the name, age, nativity and
5 permanent place of residence of each applicant and licensee and
6 such further information concerning each applicant and licensee as
7 the board shall deem advisable. The record shall show also
8 whether the applicant was examined, licensed or rejected under
9 this and any prior act. Copies of any of the entries of the record
10 or of any certificate issued by the board may be authenticated by
11 any member of the board under its seal and when so authenticated
12 shall be evidence in all courts of this State of the same weight and
13 force as the original thereof. For authenticating a copy of any
14 entry or entries contained in its record the board shall be paid a
15 fee of \$3.00, but such authentication, if made at the request of
16 any public agency of this or any other jurisdiction, may be without
17 fee. (11) In its discretion it may publish at such times as it shall
18 determine a list of nurses licensed under this act, a list of schools
19 of nursing accredited or approved under this act, and such other
20 information as it shall deem advisable. (12) It shall prescribe
21 standards and curricula for schools of nursing and evaluate and
22 approve courses for affiliation. (13) It shall hear and determine
23 applications for accreditation of schools of professional nursing,
24 conduct investigations before and after accreditation of such
25 schools and institutions with which they are affiliated, and issue,
26 suspend or revoke certificates of accreditation as hereinafter
27 provided. (14) It shall approve schools of practical nursing which
28 shall conform to the standards, curricula, and requirements
29 prescribed by the board, and suspend or revoke approval for
30 violations thereof; provided, that this power shall not extend to
31 schools operated by any board of education in this State. (15) It
32 may consult with the Medical Society of New Jersey and the New
33 Jersey Hospital Association with respect to any matter relating to
34 the administration of this act and shall consult with those
35 associations with respect to standards and curricula and any
36 change thereof for schools of nursing. (16) It shall issue subpoenas
37 for the attendance of witnesses and production of documents at
38 any hearing before the board authorized by this act and any
39 member of the board shall administer an oath or affirmation to
40 persons appearing to give testimony at such hearings. (17) It may
41 conduct any investigations, studies of nursing and nursing
42 education and related matters, and prepare and issue such
43 publications as in the judgment of the board will advance the
44 profession of nursing and its service to the public. (18) It shall
45 perform all other functions which are provided in this act to be
46 performed by it or which in the judgment of the board are
47 necessary or proper for the administration of this act. (19) It shall
48 from time to time prescribe rules and regulations not inconsistent
49 with this act. (20) It shall prescribe standards and curricula for

1 homemaker-home health aide education and training programs
2 which a homemaker-home health aide shall complete in order to
3 work in this State. (21) It shall review applications to provide
4 homemaker-home health aide training programs and shall issue,
5 suspend or revoke program approval. (22) It shall establish and
6 maintain a registry of all individuals who have successfully
7 completed a homemaker-home health aide training and
8 competency evaluation program. (23) It shall prescribe standards
9 and requirements for a competency evaluation program resulting
10 in certification of the homemaker-home health aide, and the
11 renewal, revocation, and suspension of that certification. (24) It
12 shall review applications for homemaker home-health aide
13 certification and shall issue, suspend, revoke, or fail to renew
14 certifications and conduct investigations pursuant to the provisions
15 of P.L.1978, c.73 (C.45:1-14 et seq.).

16 e. Compensation. Each member of the board shall receive
17 \$15.00 per day for each day in which such member is actually
18 engaged in the discharge of duties and traveling and other
19 expenses necessarily incurred in the discharge of duties.

20 (cf: P.L.1989, c.98, s.2)

21 4. R.S.45:14-13 is amended to read as follows:

22 45:14-13. No person who is not a registered pharmacist of this
23 State, or an apprentice employed in a pharmacy under the
24 immediate personal supervision of a registered pharmacist, shall
25 compound, dispense, fill or sell prescriptions of physicians,
26 dentists, veterinarians, any other medical practitioners, [or],
27 certified nurse midwives or nurse practitioners/clinical nurse
28 specialists, licensed or approved to write prescriptions for drugs
29 and medicines.

30 (cf: P.L.1991, c.97, s.7)

31 5. R.S.45:14-14 is amended to read as follows:

32 45:14-14. The term "prescription" as used in R.S.45:14-13, and
33 R.S.45:14-15 to R.S.45:14-17 means an order for drugs or
34 medicines or combinations or mixtures thereof, written or signed
35 by a duly licensed physician, dentist, veterinarian, other medical
36 practitioner [or], a certified nurse midwife or a nurse
37 practitioner/clinical nurse specialist licensed or approved to write
38 prescriptions intended for the treatment or prevention of disease
39 in man or animals, and includes orders for drugs or medicines or
40 combinations or mixtures thereof transmitted to pharmacists
41 through word of mouth, telephone, telegraph or other means of
42 communication by a duly licensed physician, dentist, veterinarian,
43 other medical practitioner [or], a certified nurse midwife or a
44 nurse practitioner/clinical nurse specialist licensed or approved to
45 write prescriptions intended for the treatment or prevention of
46 disease in man or animals, and such prescriptions received by word
47 of mouth, telephone, telegraph or other means of communication
48 shall be recorded in writing by the pharmacist and the record so
49 made by the pharmacist shall constitute the original prescription

1 to be filed by the pharmacist as provided for in R.S.45:14-15, but
2 no prescription, for any narcotic drug, except as provided in
3 section 15 of P.L.1970, c.226 (C.24:21-15), shall be given or
4 transmitted to pharmacists, in any other manner, than in writing
5 signed by the physician, dentist, veterinarian, other medical
6 practitioner [or], certified nurse midwife or nurse
7 practitioner/clinical nurse specialist giving or transmitting the
8 same, nor shall such prescription be renewed or refilled.

9 (cf: P.L.1991, c.97, s.8)

10 6. R.S.45:14-15 is amended to read as follows:

11 45:14-15. The registered pharmacist compounding, dispensing,
12 filling or selling a prescription shall place the original written
13 prescription in a file kept for that purpose for a period of not less
14 than five years if such period is not less than two years after the
15 last refilling, and affix to the container in which the prescription
16 is dispensed, a label bearing the name and complete address of the
17 pharmacy or drug store in which dispensed, the brand name or
18 generic name of the product dispensed unless the prescriber states
19 otherwise on the original written prescription, the date on which
20 the prescription is recorded in his files, together with the name of
21 the physician, dentist, veterinarian, other medical practitioner
22 [or], certified nurse midwife or nurse practitioner/clinical nurse
23 specialist prescribing it and the directions for the use of the
24 prescription by the patient, as directed on the prescription of the
25 physician, dentist, veterinarian, other medical practitioner [or],
26 certified nurse midwife or nurse practitioner/clinical nurse
27 specialist licensed or approved to write prescriptions. Every
28 registered pharmacist who fills or compounds a prescription, or
29 who supervises the filling or compounding of a prescription by a
30 person other than a pharmacist registered in this State, shall place
31 his name or initials on the original prescription or on the label
32 affixed to the container in which the prescription is dispensed or in
33 a book kept for the purpose of recording prescriptions. The [board
34 of pharmacy] Board of Pharmacy or any of its agents is hereby
35 empowered to inspect the prescription files and other prescription
36 records of a pharmacy and to remove from said files and take
37 possession of any original prescription, providing, that the
38 authorized agent removing or taking possession of an original
39 prescription shall place in the file from which it was removed a
40 copy certified by said person to be a true copy of the original
41 prescription thus removed; provided further, that the original copy
42 shall be returned by the [board of pharmacy] Board of Pharmacy to
43 the file from which it was removed after it has served the purpose
44 for which it was removed.

45 (cf: P.L.1991, c.97, s.9)

46 7. (New section) a. (1) No person shall practice as a nurse
47 practitioner/clinical nurse specialist or present, call or represent
48 himself as a nurse practitioner/clinical nurse specialist unless
49 certified in accordance with sections 8 or 9 of P.L. , c. (C.)

1 (now pending before the Legislature as this bill).

2 (2) Nothing in this act shall be construed to limit, preclude, or
3 otherwise interfere with the practices of other persons licensed by
4 appropriate agencies of the State of New Jersey, provided that
5 such duties are consistent with the accepted standards of the
6 person's profession and the person does not represent himself as a
7 nurse practitioner/clinical nurse specialist.

8 b. No person shall assume, represent himself as, or use the
9 titles or designations "nurse practitioner," "clinical nurse
10 specialist" or "nurse practitioner/clinical nurse specialist" or the
11 abbreviations "N.P.," "C.N.S.," or "N.P./C.N.S." or any other title
12 or designation which indicates or implies that he is a nurse
13 practitioner/clinical nurse specialist unless certified pursuant to
14 sections 8 or 9 of P.L. , c. (C.) (now pending before the
15 Legislature as this bill).

16 8. (New section) a. The New Jersey Board of Nursing may issue
17 a certification as a nurse practitioner/clinical nurse specialist to
18 an applicant who fulfills the following requirements:

- 19 (1) Is at least 18 years of age;
- 20 (2) Is of good moral character;
- 21 (3) Is a registered professional nurse;
- 22 (4) Has successfully completed an educational program,
23 including pharmacology, approved by the board; and
- 24 (5) Has passed a written examination approved by the board.

25 b. In addition to the requirements of subsection a. of this
26 section, an applicant for renewal of a certification as a nurse
27 practitioner/clinical nurse specialist shall present satisfactory
28 evidence that, in the period since the certification was issued or
29 last renewed, all continuing education requirements have been
30 completed as required by regulations adopted by the board.

31 c. The board may accept, in lieu of the written examination
32 required by paragraph (5) of subsection a. of this section, proof
33 that an applicant for certification holds a current certification in
34 a state which has standards substantially equivalent to those of
35 this State.

36 9. (New section) For 180 days following the date procedures
37 are established by the New Jersey Board of Nursing for applying
38 for certification under this section, the board may issue a
39 certification as a nurse practitioner/clinical nurse specialist to an
40 applicant who fulfills the following requirements:

- 41 a. Is at least 18 years of age;
- 42 b. Is of good moral character;
- 43 c. Is a registered professional nurse; and
- 44 d. Has been certified as a nurse practitioner, clinical nurse
45 specialist or advanced practice nurse by a national accrediting
46 organization, which:
 - 47 (1) is approved by the board;
 - 48 (2) includes pharmacology in its required curriculum; and
 - 49 (3) requires successful completion of a written

1 examination, including pharmacology, of all persons awarded its
2 certificates.

3 10. (New section) a. In addition to all other tasks which a
4 registered professional nurse may, by law, perform, a nurse
5 practitioner/clinical nurse specialist may manage specific common
6 deviations from wellness and stabilized long-term illnesses by:

- 7 (1) initiating laboratory and other diagnostic tests; and
8 (2) prescribing or ordering medications and devices, as
9 authorized by subsections b. and c. of this section.

10 b. A nurse practitioner/clinical nurse specialist may order
11 medications and devices in the inpatient setting, subject to the
12 following conditions:

- 13 (1) no controlled dangerous substances may be ordered;
14 (2) the order is written in accordance with standing orders
15 or joint protocols developed in agreement between a collaborating
16 physician and the nurse practitioner/clinical nurse specialist, or
17 pursuant to the specific direction of a physician;
18 (3) the nurse practitioner/clinical nurse specialist
19 authorizes the order by signing his own name, printing the name
20 and certification number, and printing the collaborating
21 physician's name;
22 (4) the physician is present or readily available through
23 electronic communications;
24 (5) the charts and records of the patients treated by the
25 nurse practitioner/clinical nurse specialist are reviewed by the
26 collaborating physician and the nurse practitioner/clinical nurse
27 specialist within the period of time specified by rule adopted by
28 the State Commissioner of Health pursuant to section 13 of
29 P.L. , c. (C.) (now pending before the Legislature as this
30 bill); and
31 (6) the joint protocols developed by the collaborating
32 physician and the nurse practitioner/clinical nurse specialist are
33 reviewed, updated and signed at least annually by both parties.

34 c. A nurse practitioner/clinical nurse specialist may prescribe
35 medications and devices in all other medically appropriate
36 settings, subject to the following conditions:

- 37 (1) no controlled dangerous substances may be prescribed;
38 (2) the prescription is written in accordance with standing
39 orders or joint protocols developed in agreement between a
40 collaborating physician and the nurse practitioner/clinical nurse
41 specialist, or pursuant to the specific direction of a physician;
42 (3) the nurse practitioner/clinical nurse specialist writes
43 the prescription on the prescription blank of the collaborating
44 physician, signs his name to the prescription and prints his name
45 and certification number;
46 (4) the prescription is dated and includes the name of the
47 patient and the name, address and telephone number of the
48 collaborating physician;
49 (5) the physician is present or readily available through

1 electronic communications;

2 (6) the charts and records of the patients treated by the
3 nurse practitioner/clinical nurse specialist are periodically
4 reviewed by the collaborating physician and the nurse
5 practitioner/clinical nurse specialist; and

6 (7) the joint protocols developed by the collaborating
7 physician and the nurse practitioner/clinical nurse specialist are
8 reviewed, updated and signed at least annually by both parties.

9 d. The joint protocols employed pursuant to subsections b.
10 and c. of this section shall conform with standards adopted by the
11 Director of the Division of Consumer Affairs pursuant to section
12 12 of P.L. , c. (C.) (now pending before the Legislature as
13 this bill).

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

17 a. To promulgate, pursuant to the "Administrative Procedure
18 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations to
19 effectuate the purposes of this act, except for those subjects of
20 rule-making authority allocated to the Director of the Division of
21 Consumer Affairs pursuant to section 12 of P.L. , c. (C.)
22 (now pending before the Legislature as this bill) or to the State
23 Commissioner of Health pursuant to section 13 of P.L. , c.
24 (C.) (now pending before the Legislature as this bill);

25 b. To evaluate and pass upon the qualifications of candidates
26 for certification as nurse practitioners/clinical nurse specialists;

27 c. To evaluate and pass upon national accreditation
28 organizations and the holders of certificates from those
29 organizations as necessary to award certificates pursuant to
30 section 9 of P.L. , c. (C.) (now pending before the
31 Legislature as this bill);

32 d. To establish specialty areas of practice for nurse
33 practitioners/clinical nurse specialists;

34 e. To take disciplinary action, in accordance with P.L.1973,
35 c.73 (C.45:1-14 et seq.) against a nurse practitioner/clinical nurse
36 specialist who violates the provisions of this act, any regulation
37 promulgated thereunder, or P.L.1978, c.78 (C.45:1-14 et seq.);

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

40 g. To set standards of professional conduct for nurse
41 practitioners/clinical nurse specialists;

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

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

46 j. To determine whether the requirements of another state
47 with respect to certification as a nurse practitioner/clinical nurse
48 specialist are substantially equivalent to those of this State in
49 accordance with subsection c. of section 8 of P.L. , c. (C.)

- 1 (now pending before the Legislature as this bill).
 2 12. (New section) The Director of the Division of Consumer
 3 Affairs in the Department of Law and Public Safety may receive
 4 and shall give due consideration to advice from the Board of
 5 Nursing and the State Board of Medical Examiners in adopting
 6 standards for the joint protocols required by subsection d. of
 7 section 10 of P.L. , c. (C.) (now pending before the
 8 Legislature as this bill). The standards shall be established by rule
 9 adopted by the Director of the Division of Consumer Affairs in
 10 accordance with the "Administrative Procedure Act," P.L.1968,
 11 c.410 (C.52:14B-1 et seq.)
 12 13. (New section) The State Commissioner of Health shall, by
 13 rule adopted in accordance with the "Administrative Procedure
 14 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), establish the periods of
 15 time within which the charts and records of the patients treated
 16 by the nurse practitioner/clinical nurse specialist in an inpatient
 17 setting shall be reviewed by the nurse practitioner/clinical nurse
 18 specialist and the collaborating physician, as required by paragraph
 19 (5) of subsection b. of section 10 of P.L. , c. (C.) (now
 20 pending before the Legislature as this bill).
 21 14. This act shall take effect one year following enactment,
 22 except that sections 3, 11, 12 and 13 shall take effect immediately.
 23
 24

25 STATEMENT
 26

27 Currently, nurse practitioners are recognized in the medical
 28 community but are not State licensed or certified. This substitute
 29 provides for a category of nursing practice designated as nurse
 30 practitioner/clinical nurse specialist. Under the bill a process for
 31 certification of nurse practitioner/clinical nurse specialist is also
 32 established.
 33 To be eligible for a certificate as a nurse practitioner/clinical
 34 nurse specialist, an applicant must fulfill the following
 35 requirements:
 36 (1) Is at least 18 years of age;
 37 (2) Is of good moral character;
 38 (3) Is a registered professional nurse;
 39 (4) Has successfully completed an educational program,
 40 including pharmacology, approved by the New Jersey Board of
 41 Nursing; and
 42 (5) Has passed a written examination approved by the
 43 New Jersey Board of Nursing.
 44 In addition to those tasks which may be performed by a
 45 registered professional nurse, a nurse practitioner/clinical nurse
 46 specialist is authorized in this substitute to manage specific
 47 common deviations from wellness and stabilized long-term
 48 illnesses by initiating laboratory and other diagnostic tests and by
 49 prescribing or ordering medications and devices in accordance with

1 specific conditions provided in the substitute.

2 This substitute provides that a qualified nurse
3 practitioner/clinical nurse specialist may, in an inpatient setting,
4 order medications and devices if the order is written in accordance
5 with standing orders or joint protocols developed in agreement
6 between a collaborating physician and the nurse
7 practitioner/clinical nurse specialist, or pursuant to the specific
8 direction of a physician; the nurse practitioner/clinical nurse
9 specialist signs his name, prints his name and certification number,
10 and prints his collaborating physician's name; the physician is
11 present or readily available through electronic communications;
12 the charts and records of the patients treated by the nurse
13 practitioner/clinical nurse specialist are reviewed by him and the
14 collaborating physician within a time period to be specified by a
15 rule to be adopted by the Commissioner of Health; and the joint
16 protocols that are developed are reviewed, updated and signed at
17 least annually by the collaborating physician and the nurse
18 practitioner/clinical nurse specialist.

19 The substitute also permits a qualified nurse
20 practitioner/clinical nurse specialist to order medications and
21 drugs in all other medically appropriate settings, subject to the
22 following: the prescription is written in accordance with standing
23 orders or joint protocols developed in agreement between a
24 collaborating physician and the nurse practitioner/clinical nurse
25 specialist, or pursuant to the specific direction of a physician; the
26 nurse practitioner/clinical nurse specialist writes the prescription
27 on the prescription blank of the collaborating physician and prints
28 his name and certification number; the prescription is dated and
29 includes the name, address and telephone number of the
30 collaborating physician; the physician is readily available through
31 electronic communications; the charts and records of patients
32 treated by the nurse practitioner/clinical nurse specialist are
33 periodically reviewed by the collaborating physician and the nurse
34 practitioner/clinical nurse specialist; the joint protocols that are
35 developed are reviewed, updated and signed at least annually by
36 the collaborating physician and the nurse practitioner/clinical
37 nurse specialist. Furthermore, the joint protocols shall conform to
38 standards adopted by the Director of the Division of Consumer
39 Affairs in the Department of Law and Public Safety.

40 Also, the substitute specifically prohibits nurse
41 practitioners/clinical nurse specialists from prescribing controlled
42 dangerous substances.

43 The substitute also provides pharmacists with the authority to
44 fill prescriptions signed by nurse practitioners/clinical nurse
45 specialists. The substitute further provides that one of the
46 members of the New Jersey Board of Nursing shall be a nurse
47 practitioner/clinical nurse specialist.

SENATE, No. 3491

STATE OF NEW JERSEY

INTRODUCED MAY 13, 1991

By Senator LIPMAN

1 AN ACT concerning prescriptive powers for nurse practitioners
2 and nurse midwives, amending R.S.45:14-13, R.S.45:14-14 and
3 R.S.45:14-15, and amending and supplementing P.L.1947, c.262.

4

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

7 1. (New section) The Legislature recognizes that nursing is a
8 dynamic field, the practice of which is continually evolving to
9 include more sophisticated patient care activities. It is the
10 intent of the Legislature through this act to provide clear legal
11 authority for functions and procedures which have common
12 acceptance and authority; to recognize the existence of
13 overlapping functions between physicians and registered
14 professional nurses; and to recognize that certain professional
15 services can be provided to consumers at a greatly reduced cost
16 without affecting the high professional quality with which these
17 services are currently provided.

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

20 1. As used in this act:

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

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

40 The practice of nursing as a licensed practical nurse is defined

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

Matter underlined thus is new matter.

1 as performing tasks and responsibilities within the framework of
2 casefinding; reinforcing the patient and family teaching program
3 through health teaching, health counseling and provision of
4 supportive and restorative care, under the direction of a
5 registered nurse or licensed or otherwise legally authorized
6 physician or dentist.

7 The terms "nursing," "professional nursing," and "practical
8 nursing" as used in this act shall not be construed to include
9 nursing by students enrolled in a school of nursing accredited or
10 approved by the board performed in the prescribed course of
11 study and training, nor nursing performed in hospitals, institutions
12 and agencies approved by the board for this purpose by graduates
13 of such schools pending the results of the first licensing
14 examination scheduled by the board following completion of a
15 course of study and training and the attaining of age qualification
16 for examination, or thereafter with the approval of the board in
17 the case of each individual pending results of subsequent
18 examinations; nor shall any of said terms be construed to include
19 nursing performed for a period not exceeding 12 months unless
20 the board shall approve a longer period, in hospitals, institutions
21 or agencies by a nurse legally qualified under the laws of another
22 state or country, pending results of an application for licensing
23 under this act, if such nurse does not represent or hold himself or
24 herself out as a nurse licensed to practice under this act; nor
25 shall any of said terms be construed to include the practice of
26 nursing in this State by any legally qualified nurse of another
27 state whose engagement made outside of this State requires such
28 nurse to accompany and care for the patient while in this State
29 during the period of such engagement, not to exceed six months
30 in this State, if such nurse does not represent or hold himself or
31 herself out as a nurse licensed to practice in this State; nor shall
32 any of said terms be construed to include nursing performed by
33 employees or officers of the United States Government or any
34 agency or service thereof while in the discharge of his or her
35 official duties; nor shall any of said terms be construed to include
36 services performed by nurses aides, attendants, orderlies and
37 ward helpers in hospitals, institutions and agencies or by
38 technicians, physiotherapists, or medical secretaries, and such
39 duties performed by said persons aforementioned shall not be
40 subject to rules or regulations which the board may prescribe
41 concerning nursing; nor shall any of said terms be construed to
42 include first aid nursing assistance, or gratuitous care by friends
43 or members of the family of a sick or infirm person, or incidental
44 care of the sick by a person employed primarily as a domestic or
45 housekeeper, notwithstanding that the occasion for such
46 employment may be sickness, if such incidental care does not
47 constitute professional nursing and such person does not claim or
48 purport to be a licensed nurse; nor shall any of said terms be
49 construed to include services rendered in accordance with the

1 practice of the religious tenets of any well-recognized church or
2 denomination which subscribes to the art of healing by prayer. A
3 person who is otherwise qualified shall not be denied licensure as
4 a professional nurse or practical nurse by reason of the
5 circumstances that such person is in religious life and has taken a
6 vow of poverty.

7 c. "Homemaker-home health aide" means a person who is
8 employed by a home care services agency and who is performing
9 delegated nursing regimens or nursing tasks delegated through the
10 authority of a duly licensed registered professional nurse. "Home
11 care services agency" means home health agencies licensed by
12 the Department of Health pursuant to P.L.1971, c.136 (C.26:2H-1
13 et al.), nonprofit homemaker-home health aide agencies, and
14 employment agencies and temporary help services firms
15 regulated by the Attorney General pursuant to P.L.1951, c.337
16 (C.34:8-24 et seq.) and P.L.1960, c.39 (C.56:8-1 et seq.)
17 respectively, which are engaged in the business of procuring or
18 offering to procure employment for homemaker-home health
19 aides, where a fee is exacted, charged or received directly or
20 indirectly for procuring or offering to procure that employment.

21 d. "Nurse practitioner or nurse midwife" means a registered
22 professional nurse who through completion of a formal
23 postgraduate nursing education program and national
24 certification in a specialty has demonstrated expertise in a
25 selected clinical area of nursing knowledge and practice.

26 [Nothing in this act shall confer the authority to a person
27 licensed to practice nursing to practice another health profession
28 as currently defined in Title 45 of the Revised Statutes.]
29 (cf: P.L.1989, c.98, s.1)

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

32 2. a. The board; appointment; terms. In addition to the
33 members appointed to represent the interests of the public
34 pursuant to P.L.1971, c.60 as amended by P.L.1977, c.285
35 (C.45:1-2.2) the New Jersey Board of Nursing shall consist of 10
36 members, [seven] six of whom shall be registered professional
37 nurses, two of whom shall be licensed practical nurses, one of
38 whom shall be a nurse practitioner or nurse midwife in active
39 practice, and one of whom shall be an additional public member,
40 all to be appointed by the Governor. Appointments to the board
41 shall be for terms of five years or for the unexpired portion of a
42 term in the case of a vacancy for any cause within a term, and
43 until a successor shall be appointed and qualified. In making
44 appointments the Governor shall give due consideration to, but
45 shall not be bound by, recommendations submitted by the various
46 nurses' professional associations of this State. Upon notice and
47 hearing, the Governor may remove from office any member of
48 the board for neglect of duty, incompetency, unprofessional or
49 dishonorable conduct.

1 b. Qualifications for appointment. Each registered
2 professional nurse member of the board shall be a citizen of the
3 United States and a resident of this State; shall be a graduate of
4 an accredited school of nursing within the United States; shall be
5 a registered nurse in this State; shall have had at least five
6 years' experience in professional nursing following graduation
7 from an accredited school of nursing; and shall at the time of
8 appointment be actively engaged in nursing or work relating
9 thereto. The licensed practical nurse members of the board shall
10 be citizens of the United States and residents of this State; shall
11 hold a valid license to practice practical nursing in this State;
12 shall have had at least three years' experience in practical
13 nursing; and shall at the time of appointment be actively engaged
14 in practical nursing or work related thereto.

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

19 d. Duties and powers. The board shall have the following
20 duties and powers: (1) It shall hold annual meetings and such
21 other meetings as it may deem necessary at such times and
22 places as the board shall prescribe and a majority of the board
23 including one officer shall constitute a quorum. (2) It shall elect
24 from its members and prescribe the duties of a president and
25 secretary-treasurer, each of whom shall serve for one year and
26 until a successor is elected. (3) It shall appoint and prescribe the
27 duties of an executive secretary to the board who need not be a
28 member thereof but who shall be a citizen of the United States, a
29 graduate of a college or university with a major in nursing
30 education, a registered nurse of this State with at least five
31 years' experience in teaching or administration or both in an
32 accredited school of professional nursing, or have equivalent
33 qualifications as determined by the board. The executive
34 secretary shall hold office during the will and pleasure of the
35 board. (4) It shall employ and prescribe the duties of such persons
36 as in its judgment shall be necessary for the proper performance
37 and execution of the duties and powers of the board. (5) It shall
38 determine and pay reasonable compensation and necessary
39 expenses of the executive secretary and all employees of the
40 board. (6) It shall pay to each member of the board the
41 compensation hereinafter provided. (7) It shall have a common
42 seal, keep an official record of all its meetings, and through its
43 secretary-treasurer report annually to the Governor the work of
44 the board. (8) It shall examine applicants for a license or
45 renewals thereof, issue, renew, revoke and suspend licenses, as
46 hereinafter provided. (9) It shall in its discretion investigate and
47 prosecute all violations of provisions of this act. (10) It shall
48 keep an official record which shall show the name, age, nativity
49 and permanent place of residence of each applicant and licensee

1 and such further information concerning each applicant and
2 licensee as the board shall deem advisable. The record shall show
3 also whether the applicant was examined, licensed or rejected
4 under this and any prior act. Copies of any of the entries of the
5 record or of any certificate issued by the board may be
6 authenticated by any member of the board under its seal and
7 when so authenticated shall be evidence in all courts of this State
8 of the same weight and force as the original thereof. For
9 authenticating a copy of any entry or entries contained in its
10 record the board shall be paid a fee of \$3.00, but such
11 authentication, if made at the request of any public agency of
12 this or any other jurisdiction, may be without fee. (11) In its
13 discretion it may publish at such times as it shall determine a list
14 of nurses licensed under this act, a list of schools of nursing
15 accredited or approved under this act, and such other information
16 as it shall deem advisable. (12) It shall prescribe standards and
17 curricula for schools of nursing and evaluate and approve courses
18 for affiliation. (13) It shall hear and determine applications for
19 accreditation of schools of professional nursing, conduct
20 investigations before and after accreditation of such schools and
21 institutions with which they are affiliated, and issue, suspend or
22 revoke certificates of accreditation as hereinafter provided. (14)
23 It shall approve schools of practical nursing which shall conform
24 to the standards, curricula, and requirements prescribed by the
25 board, and suspend or revoke approval for violations thereof;
26 provided, that this power shall not extend to schools operated by
27 any board of education in this State. (15) It may consult with the
28 Medical Society of New Jersey and the New Jersey Hospital
29 Association with respect to any matter relating to the
30 administration of this act and shall consult with those
31 associations with respect to standards and curricula and any
32 challenge thereof for schools of nursing. (16) It shall issue
33 subpoenas for the attendance of witnesses and production of
34 documents at any hearing before the board authorized by this act
35 and any member of the board shall administer an oath or
36 affirmation to persons appearing to give testimony at such
37 hearings. (17) It may conduct any investigations, studies of
38 nursing and nursing education and related matters, and prepare
39 and issue such publications as in the judgment of the board will
40 advance the profession of nursing and its service to the public.
41 (18) It shall perform all other functions which are provided in this
42 act to be performed by it or which in the judgment of the board
43 are necessary or proper for the administration of this act. (19) It
44 shall from time to time prescribe rules and regulations not
45 inconsistent with this act. (20) It shall prescribe standards and
46 curricula for homemaker-home health aide education and training
47 programs which a homemaker-home health aide shall complete in
48 order to work in this State. (21) It shall review applications to
49 provide homemaker-home health aide training programs and shall

1 issue, suspend or revoke program approval. (22) It shall establish
2 and maintain a registry of all individuals who have successfully
3 completed a homemaker-home health aide training and
4 competency evaluation program. (23) It shall prescribe standards
5 and requirements for a competency evaluation program resulting
6 in certification of the homemaker-home health aide, and the
7 renewal, revocation, and suspension of that certification. (24) It
8 shall review applications for homemaker home-health aide
9 certification and shall issue, suspend, revoke, or fail to renew
10 certifications and conduct investigations pursuant to the
11 provisions of P.L.1978, c.73 (C.45:1-14 et seq.).

12 e. Compensation. Each member of the board shall receive
13 \$15.00 per day for each day in which such member is actually
14 engaged in the discharge of duties and traveling and other
15 expenses necessarily incurred in the discharge of duties.
16 (cf: P.L.1989, c.98, s.2)

17 4. R.S.45:14-13 is amended to read as follows:

18 45:14-13. No person who is not a registered pharmacist of this
19 State, or an apprentice employed in a pharmacy under the
20 immediate personal supervision of a registered pharmacist, shall
21 compound, dispense, fill or sell prescriptions of physicians,
22 dentists, veterinarians [or], any other medical practitioners or
23 nurse practitioners or nurse midwives licensed to write
24 prescriptions for drugs and medicines.

25 (cf: R.S.45:14-13)

26 5. R.S.45:14-14 is amended to read as follows:

27 45:14-14. The term "prescription" as used in [section]
28 R.S.45:14-13[,] and R.S.45:14-15 to R.S.45:14-17 [of this Title]
29 means an order for drugs or medicines or combinations or
30 mixtures thereof, written or signed by a duly licensed physician,
31 dentist, veterinarian [or], other medical practitioner or a nurse
32 practitioner or nurse midwife licensed to write prescriptions
33 intended for the treatment or prevention of disease in man or
34 animals, and includes orders for drugs or medicines or
35 combinations or mixtures thereof transmitted to pharmacists
36 through word of mouth, telephone, telegraph or other means of
37 communication by a duly licensed physician, dentist, veterinarian
38 [or], other medical practitioner or a nurse practitioner or nurse
39 midwife licensed to write prescriptions intended for the
40 treatment or prevention of disease in man or animals, and such
41 prescriptions received by word of mouth, telephone, telegraph or
42 other means of communication shall be recorded in writing by the
43 pharmacist and the record so made by the pharmacist shall
44 constitute the original prescription to be filed by the pharmacist,
45 as provided for in [section] R.S.45:14-15 [of this Title], but no
46 prescription, for any narcotic drug, except as provided in
47 [section] R.S.24:18-7 [of the Revised Statutes], shall be given or
48 transmitted to pharmacists, in any other manner, than in writing
49 signed by the physician, dentist, veterinarian [or], other medical

1 practitioner or nurse practitioner or nurse midwife giving or
2 transmitting the same, nor shall such prescription be renewed or
3 refilled.

4 (cf: P.L.1952, c.351, s.2)

5 6. R.S.45:14-15 is amended to read as follows:

6 45:14-15. The registered pharmacist compounding, dispensing,
7 filling or selling a prescription shall place the original written
8 prescription in a file kept for that purpose for a period of not less
9 than five years if such period is not less than two years after the
10 last refilling, and affix to the container in which the prescription
11 is dispensed, a label bearing the name and complete address of
12 the pharmacy or drug store in which dispensed, the brand name or
13 generic name of the product dispensed unless the prescriber
14 states otherwise on the original written prescription, the date on
15 which the prescription was compounded and an identifying
16 number under which the prescription is recorded in his files,
17 together with the name of the physician, dentist, veterinarian
18 [or], other medical practitioner or nurse practitioner or nurse
19 midwife prescribing it and the directions for the use of the
20 prescription by the patient, as directed on the prescription of the
21 physician, dentist, veterinarian [or], other medical practitioner or
22 nurse practitioner or nurse midwife licensed to write
23 prescriptions. Every registered pharmacist who fills or
24 compounds a prescription, or who supervises the filling or
25 compounding of a prescription by a person other than a
26 pharmacist registered in this State, shall place his name or
27 initials on the original prescription or on the label affixed to the
28 container in which the prescription is dispensed or in a book kept
29 for the purpose of recording prescriptions. The [board of
30 pharmacy] Board of Pharmacy or any of its agents is hereby
31 empowered to inspect the prescription files and other
32 prescription records of a pharmacy and to remove from said files
33 and take possession of any original prescription; providing, that
34 the authorized agent removing or taking possession of an original
35 prescription shall place in the file from which it was removed a
36 copy certified by said person to be a true copy of the original
37 prescription thus removed; provided further, that the original
38 copy shall be returned by the [board of pharmacy] Board of
39 Pharmacy to the file from which it was removed after it has
40 served the purpose for which it was removed.

41 (cf: P.L.1979, c.146, s.1)

42 7. (New section) A nurse practitioner or nurse midwife who
43 meets qualifications approved by the board and who is authorized
44 by the board's rules and regulations, may:

45 (1) prescribe drugs, agents, tests and devices not listed in
46 paragraph (2) of this section, in accordance with protocols
47 approved by the board;

48 (2) prescribe the following:

49 - non-parenteral antibiotics for middle ear infections, urinary

- 1 tract infections, streptococcal throat infections, otitis externa,
2 sexually transmitted diseases and sinusitis;
3 - antifungal and antiparasitic agents;
4 - antihistamines and nasal decongestants;
5 - non-narcotic analgesic-antipyretic medications;
6 - non-steroidal anti-inflammatory medications and
7 noncontrolled skeletal muscle relaxants;
8 - non-narcotic expectorants and cough preparations;
9 - non-narcotic gastrointestinal agents for diarrhea, vomiting,
10 constipation and indigestion;
11 - hormonal agents for contraception;
12 - antiviral vaccines and tetanus toxoid and routine pediatric
13 immunizations;
14 - vitamins and minerals;
15 - antifungal, antiparasitic, anti-inflammatory and antibiotic
16 topical skin and mucous membrane preparations;
17 - enteral feeding supplements;
18 - diagnostic agents and tests, including: tuberculin testing;
19 streptococcal testing; laboratory testing, including blood, urine,
20 sputum, vaginal, rectal and wound tests; electrocardiograms; and
21 noninvasive x-rays;
22 - therapeutic agents and devices, including: diaphragms,
23 cervical caps, urinary and gastrostomy catheters,
24 anti-spermicidals, condoms, syringes, gauze dressings, tape,
25 nonadherent dressings, elasticized bandages, gauze bandage
26 wraps, povidone-iodine solutions, peroxide solutions, sterile
27 water, sterile normal saline solutions, sterile dressing trays,
28 sterile tracheostomy cleaning trays, lubricants, non-colloids,
29 hydrocolloid dressings and pastes, anti-emboli stockings, slings,
30 heel pads, sheepskins pads, urinary incontinence pads, restraints,
31 and ambulatory assist devices; and
32 - colostomy, ureterostomy, ileostomy and urinary drainage
33 devices and collection bags, and sterile preparation trays;
34 (3) make referrals to physicians, dentists and allied health care
35 professionals, as appropriate; and
36 (4) not dispense for profit drugs, agents, tests or devices for
37 which the nurse writes a prescription.

38 Effective January 1, 1996, the provisions of this section shall
39 only apply to a nurse practitioner or nurse midwife who has a
40 master's degree in nursing, except that this requirement shall not
41 apply to a nurse practitioner or nurse midwife who was
42 prescribing drugs, agents, tests and devices in this or another
43 state prior to that date.

44 8. This act shall take effect immediately.

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STATEMENT

This bill defines a "nurse practitioner or nurse midwife," and

1 provides that registered professional nurses who are nurse
2 practitioners or nurse midwives, and who meet qualifications
3 approved by the New Jersey Board of Nursing, may prescribe
4 certain drugs, agents, tests and devices appropriate to their
5 specialty areas, as enumerated in this bill. The bill also provides
6 pharmacists with the authority to fill prescriptions signed by
7 nurse practitioners or nurse midwives.

8 This bill will make certain professional services available to
9 health care consumers at greatly reduced cost without affecting
10 the high quality with which these services are currently
11 provided. The bill is in keeping with the recommendations issued
12 by the Governor's Commission on Health Care Costs in its report
13 of October 1, 1990, which specifically called for the increased
14 use of non-physician providers "in a variety of service settings."
15 The report noted that: "These professionals have the ability to
16 deliver high quality care at much lower cost."

17 This general concept, and its specific application to nurses'
18 prescriptive authority, has received support in other states. For
19 example, the March 1991 issue of the newsletter, State Health
20 Notes, published by the Intergovernmental Health Policy Project
21 at The George Washington University in Washington, D.C., quoted
22 a recent Virginia task force report, Access and Barriers to the
23 Services of Nurse Practitioners, which recommended that nurse
24 practitioners be granted limited authority to prescribe drugs in
25 that state. That report cited "authoritative evidence of the
26 safety, competence, patient acceptance and cost-effectiveness
27 of services provided by all nurse practitioner specialties." The
28 recommendation was approved unanimously by the Virginia Board
29 of Health Professions on January 15, 1991, and the legislature in
30 that state passed legislation (HB 1402) to allow nurse
31 practitioners to prescribe Schedule VI drugs.

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33

34

REGULATED PROFESSIONS

35

36 Provides nurse practitioners and nurse midwives with prescriptive
37 powers appropriate to their specialty areas.

SENATE LABOR, INDUSTRY AND PROFESSIONS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 3491

STATE OF NEW JERSEY

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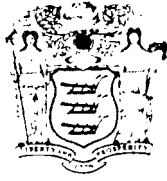
DATED: JUNE 24, 1991

The Senate Labor, Industry and Professions Committee reports favorably a Senate Committee Substitute for Senate Bill No. 3491.

This bill amends the law which provides for the regulation and licensure of nurses to establish the category of nursing practice designated as "nurse practitioner." Under the bill a "nurse practitioner" is defined as a registered professional nurse who has completed a formal postgraduate nursing education program, received national certification in a specialty and demonstrated expertise in a selected clinical area of nursing knowledge and practice. A nurse practitioner who meets qualifications approved by the New Jersey Board of Nursing and is authorized by that board's rules and regulations, may, in an inpatient setting, order medications if the order is administered in accordance with specific physician direction or a joint protocol formulated by a collaborating physician and the nurse practitioner; the prescription states whether it is written pursuant to physician direction or joint protocol; and the nurse practitioner signs his name, prints his name and license number and prints the physician's name. The bill prohibits nurse practitioners from prescribing controlled dangerous substances.

The bill also provides pharmacists with the authority to fill prescriptions signed by nurse practitioners. The bill eliminates from the nursing practices act the current distinction between the diagnostic privilege of registered professional nurses and a medical diagnosis. The bill further provides that one of the registered professional nurses on the New Jersey Board of Nursing must be a nurse practitioner. Lastly, the bill provides that, on or after January 1, 1996, only nurse practitioners who have a master's degree may prescribe drugs pursuant to the provisions of this bill, except that all nurse practitioners who were prescribing drugs in this or another state prior to that date may continue to do so.

4774.901
C-61



OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001
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Release: WEDNESDAY
JAN. 15, 1992

GOVERNOR FLORIO TAKES FURTHER AIM AT RISING HEALTH CARE COST WITH NURSE PRACTITIONERS LAW AND PHYSICIAN ASSISTANTS LAW

Two bills designed to help contain the spiraling health care costs by forcing the system to operate more efficiently were signed into law today by Governor Jim Florio.

One of the measures allows physician assistants to be licensed in the state, making New Jersey the last state in the nation to license physician assistants. The signing of this legislation culminates several years of effort to allow these health care professionals to serve New Jersey patients.

The second bill allows nurse practitioners to prescribe medications when working with a collaborating physician. It makes New Jersey the 39th state to extend this authority to nurse practitioners, who are registered nurses who have completed a post graduate program and received national certification.

"These new laws are about common sense and about making health care more accessible. They're about making our health care system more efficient by containing unnecessary costs," Governor Florio said.

"Before today, physician assistants could graduate from one of the finest training programs in the nation at the University of Medicine and Dentistry of New Jersey, but they would have to leave here and go to any other state when they graduated and wanted to work," Governor Florio said. "That simply doesn't make sense."

Physician assistants are reimbursed by Medicare and are an important resource in caring for the homebound elderly. They also often serve as second assistants in surgery.

The second new law, the Nurse Practitioner Prescribing Act, requires that protocols be established between doctors and nurse practitioners to allow nurse practitioners to prescribe medications.

-more-