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Laws of 1974 Chapter 109

Bill No. S 665

Sponsor(s) Fay

Date Introduced January 28

Committee: Assembly Commerce, Industry & Professions

Senate Labor, Industry & Professions

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Following statements are attached if available:

Sponsor statement No

Committee Statement: Assembly No

Senate Yes

Fiscal Note No

Veto message No

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Reports No

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CHAPTER 109 LAWS OF N. J. 1974
APPROVED 9-30-74

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SENATE, No. 665

STATE OF NEW JERSEY

INTRODUCED JANUARY 28, 1974

By Senator FAY

Referred to Committee on Labor, Industry and Professions

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 11, 1947 (P. L. 1947, c. 262).

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

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

3 1. Definitions. As used in this act.

4 a. The words "the board" mean the New Jersey Board of Nurs-
5 ing created by this act.

6 b. The [word "nursing" includes "professional nursing" and
7 "practical nursing." "Professional nursing" is the performance
8 for compensation of any professional service requiring the applica-
9 tion of principles of nursing based on biological, physical and
10 social sciences, including responsible supervision of a patient
11 requiring skill in observation of symptoms and reactions and the
12 accurate recording of the facts and carrying out of treatments and
13 medications prescribed by a licensed physician, and the application
14 of such nursing procedures as involve understanding of cause and
15 effect in order to safeguard life and health of a patient and others]
16 *practice of nursing as a registered professional nurse is defined*
17 *as diagnosing and treating human responses to actual or potential*
18 *physical and emotional health problems, through such services as*
19 *casefinding, health teaching, health counseling, and provision of care*
20 *supportive to or restorative of life and well-being, and executing*

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

21 *medical regimen as prescribed by a licensed or otherwise legally*
22 *authorized physician or dentist. Diagnosing in the context of*
23 *nursing practice means that identification of and discrimination*
24 *between physical and psychosocial signs and symptoms essential*
25 *to effective execution and management of the nursing regimen.*
26 *Such diagnostic privilege is distinct from a medical diagnosis.*
27 *Treating means selection and performance of those therapeutic*
28 *measures essential to the effective management and execution of*
29 *the nursing regimen. Human responses means those signs,*
30 *symptoms, and processes which denote the individual's health need*
31 *or reaction to an actual or potential health problem.*

32 **["Practical nursing" is the performance for compensation of**
33 **such duties as are required in the care of a patient in carrying out**
34 **of medical orders prescribed by a licensed physician, requiring an**
35 **understanding of elementary nursing but not requiring the profes-**
36 **sional service outlined in the definition of professional nursing]**
37 *The practice of nursing as a licensed practical nurse is defined as*
38 *performing tasks and responsibilities within the framework of case-*
39 *finding; reinforcing the patient and family teaching program*
40 *through health teaching, health counseling and provision of suppor-*
41 *tive and restorative care, under the direction of a registered nurse*
42 *or licensed or otherwise legally authorized physician or dentist.*

43 The terms "nursing," "professional nursing," and "practical
44 nursing" as used in this act shall not be construed to include nurs-
45 ing by students enrolled in a school of nursing accredited or ap-
46 proved by the board performed in the prescribed course of study
47 and training, nor nursing performed in hospitals, institutions and
48 agencies approved by the board for this purpose by graduates of
49 such schools pending the results of the first licensing examination
50 scheduled by the board following completion of a course of study
51 and training and the attaining of age qualification for examination,
52 or thereafter with the approval of the board in the case of each
53 individual pending results of subsequent examinations; nor shall
54 any of said terms be construed to include nursing performed for
55 a period not exceeding 12 months unless the board shall approve
56 a longer period, in hospitals, institutions or agencies by a nurse
57 legally qualified under the laws of another state or country, pend-
58 ing results of an application for licensing under this act, if such
59 nurse does not represent or hold himself or herself out as a nurse
60 licensed to practice under this act; nor shall any of said terms be
61 construed to include the practice of nursing in this State by any
62 legally qualified nurse of another state whose engagement made

63 outside of this State requires such nurse to accompany and care
 64 for the patient while in this State during the period of such engage-
 65 ment, not to exceed 6 months in this State, if such nurse does not
 66 represent or hold himself or herself out as a nurse licensed to
 67 practice in this State; nor shall any of said terms be construed
 68 to include nursing performed by employees or officers of the United
 69 States Government or any agency or service thereof while in the
 70 discharge of his or her official duties; nor shall any of said terms
 71 be construed to include services performed by nurses aides,
 72 attendants, orderlies and ward helpers in hospitals, institutions
 73 and agencies or by technicians, physiotherapists, or medical secre-
 74 taries, and such duties performed by said persons aforementioned
 75 shall not be subject to rules or regulations which the board may
 76 prescribe concerning nursing; nor shall any of said terms be con-
 77 strued to include first aid nursing assistance, or gratuitous care
 78 by friends or members of the family of a sick or infirm person, or
 79 incidental care of the sick by a person employed primarily as a
 80 domestic or housekeeper, notwithstanding that the occasion for
 81 such employment may be sickness, if such incidental care does not
 82 constitute professional nursing and such person does not claim or
 83 purport to be a licensed nurse; nor shall any of said terms be con-
 84 strued to include services rendered in accordance with the practice
 85 of the religious tenets of any well-recognized church or denomina-
 86 tion which subscribes to the art of healing by prayer. A person
 87 who is otherwise qualified shall not be denied licensure as a profes-
 88 sional nurse or practical nurse by reason of the circumstances that
 89 such person is in religious life and has taken a vow of poverty.

90 **Nothing in this act shall **[authorize nurses to practice*
 91 *medicine and surgery except as provided in R. S. 45:9-21 (k).]***
 92 ***confer the authority to a person licensed to practice nursing to*
 93 *practice another health profession as currently defined in Title 45*
 94 *of the Revised Statutes.***

1 2. This act shall take effect immediately.

SENATE LABOR, INDUSTRY AND
PROFESSIONS COMMITTEE

STATEMENT TO

SENATE, No. 665

STATE OF NEW JERSEY

DATED: JUNE 17, 1974

This bill amends the nursing licensure and regulation law to change the definition of "professional nursing" and "practical nursing."

Professional nursing is currently defined, in essence, as the performance of any professional service requiring the application of nursing principles, including patient supervision requiring skill in observation of symptoms and reactions and the accurate recording of the facts, and carrying out of treatments and medications prescribed by licensed physicians. Under the proposed new definition, the practice of nursing as a registered professional nurse would be defined as diagnosing and treating human responses to physical and emotional health problems by such methods as casefinding, health teaching, health counseling, and provision of care supportive to or restorative of life and well-being, and executing medical regimen as prescribed by a licensed physician or dentist. Diagnosing in nursing is distinguished medical diagnosis and would mean identification of and discrimination between physical and psychological signs and symptoms essential to effective execution and management of nursing regimen. Treating in nursing would mean selection and performance of therapeutic measures essential to effective execution and management of nursing regimen.

Practical nursing is currently defined, in essence, as patient care in accordance with medical orders prescribed by a licensed physician but not requiring professional service outlined in the definition of professional nursing. Under the proposed new definition, the practice of nursing as a licensed practical nurse would be defined as performing such services as casefinding, health teaching, health counseling and provision of supportive or restorative care, under the direction of a registered nurse or licensed physician or dentist.

The bill was amended in the Senate to provide that nothing in the act authorized nurses to practice medicine and surgery except as provided in R. S. 45:9-21 (K).

This amendment was further amended in the General Assembly to read that nothing in this act shall confer the authority to a person licensed to practice another health profession as currently defined in Title 45 of the Revised Statutes.