

45:11-24

LEGISLATIVE HISTORY CHECKLIST

HJSA 45:11-24 (Nursing - Boards of--increases membership)

LAWS OF 1979 1 CHAPTER 339

Bill No. S1205

Sponsor(s) Scardino

Date Introduced June 1, 1978

Committee: Assembly Commerce, Industry and Professions

Senate Labor, Industry and Professions

Amended during passage	Yes	<input checked="" type="checkbox"/>	Amendments denoted by asterisks.
according to Governor's recommendations			
Date of Passage: Assembly	<u>June 18, 1979</u>		Re-enacted Jan. 3, 1980
Senate	<u>Feb. 22, 1979</u>		Re-enacted Dec. 6, 1979
Date of approval	<u>Jan. 23, 1980</u>		

Following statements are attached if available:

Sponsor statement	Yes	<input checked="" type="checkbox"/>	(Below) Also statement on Senate amendments of 2-22-79 (attached)
Committee Statement: Assembly	Yes	<input checked="" type="checkbox"/>	
Senate	Yes	<input checked="" type="checkbox"/>	
Fiscal Note	<del>Yes</del>	No	
Veto message	Yes	<input checked="" type="checkbox"/>	
Message on signing	<del>Yes</del>	No	

Following were printed:

Reports	<del>Yes</del>	No
Hearings	<del>Yes</del>	No

Sponsor's statement:

This bill would enlarge the board of nursing by adding 3 additional registered nurses and one additional practical nurse members, Senate No. 1010, pending before the Legislature, would add a second public member to this and several other professional boards.

9/1/78  
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[FOURTH OFFICIAL COPY REPRINT]

## SENATE, No. 1205

## STATE OF NEW JERSEY

INTRODUCED JUNE 1, 1978

By Senator SCARDINO

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

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

4 a. The board; appointment; terms. **[The]** *In addition to the*  
5 *members appointed to represent the interests of the public pursuant*  
6 *to P. L. 1971, c. 60 as amended by P. L. 1977, c. 285 (C. 45:1-2.2) the*  
7 *New Jersey Board of Nursing shall consist of* **[five]** *\*[nine]\* \*10\**  
8 *members, [four] seven of whom shall be registered professional*  
9 *nurses\*, \* [and]\* [one] two of whom shall be [a] licensed prac-*  
10 *tical [nurse] nurses\*, and one of whom shall be an additional public*  
11 *member, \*\*all\*\* to be appointed by the Governor\*\*[.]\*\* \*\*\*\*[with*  
12 *the advice and consent of the Senate]\*\*\*\* \*. Appointments to the*  
13 *board shall be for terms of 5 years or for the unexpired portion of*  
14 *a term in the case of a vacancy for any cause within a term, and*  
15 *until a successor shall be appointed and qualified. [The licensed*  
16 *practical nurse member shall be appointed to fill any existing va-*  
17 *cancy formerly held by a registered professional nurse or to fill*  
18 *the first such vacancy hereafter occurring.]\*\*[Appointments shall*  
19 *be made by]\*\* \*\*In making appointments\*\* the Governor*  
20 *\*\*[who]\*\* shall give due consideration to, but shall not be bound*  
21 *by, recommendations submitted by the various nurses' professional*  
21A *associations of this State. Upon notice and hearing, the Governor*  
21B *may remove from office any member of the board for neglect of*  
21C *duty, incompetency, unprofessional or dishonorable conduct.*

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

63 the executive secretary and all employees of the board. (6) It shall  
64 pay to each member of the board the compensation hereinafter  
65 provided. (7) It shall have a common seal, keep an official record of  
66 all its meetings, and through its secretary-treasurer report annually  
67 to the Governor the work of the board. (8) It shall examine appli-  
68 cants for a license or renewals thereof, issue, renew, revoke and  
69 suspend licenses, as hereinafter provided. (9) It shall in its discre-  
70 tion investigate and prosecute all violations of provisions of this  
71 act. (10) It shall keep an official record which shall show the name,  
72 age, nativity and permanent place of residence of each applicant  
73 and licensee and such further information concerning each applicant  
74 and licensee as the board shall deem advisable. The record shall  
75 show also whether the applicant was examined, licensed or rejected  
76 under this and any prior act. Copies of any of the entries of the  
77 record or of any certificate issued by the board may be authenticated  
78 by any member of the board under its seal and when so authen-  
79 ticated shall be evidence in all courts of this State of the same  
80 weight and force as the original thereof. For authenticating a copy  
81 of any entry or entries contained in its record the board shall be  
82 paid a fee of \$3.00, but such authentication, if made at the request  
83 of any public agency of this or any other jurisdiction, may be with-  
84 out fee. (11) In its discretion it may publish at such times as it  
85 shall determine a list of nurses licensed under this act, a list of  
86 schools of nursing accredited or approved under this act, and such  
87 other information as it shall deem advisable. (12) It shall prescribe  
88 standards and curricula for schools of nursing and evaluate and  
89 approve courses for affiliation. (13) It shall hear and determine  
90 applications for accreditation of schools of professional nursing,  
91 conduct investigations before and after accreditation of such  
92 schools and institutions with which they are affiliated, and issue,  
93 suspend or revoke certificates of accreditation as hereinafter pro-  
94 vided. (14) It shall approve schools of practical nursing which shall  
95 conform to the standards, curricula, and requirements prescribed  
96 by the board, and suspend or revoke approval for violations  
97 thereof; provided, that this power shall not extend to schools  
98 operated by any board of education in this State. (15) It may  
99 consult with the Medical Society of New Jersey and the New Jersey  
100 Hospital Association with respect to any matter relating to the  
101 administration of this act and shall consult with those associations  
102 with respect to standards and curricula and any change thereof for  
103 schools of nursing. (16) It shall issue subpoenas for the attendance  
104 of witnesses and production of documents at any hearing before the  
105 board authorized by this act and any member of the board shall

ASSEMBLY COMMERCE, INDUSTRY AND PROFESSIONS  
COMMITTEE

STATEMENT TO

**SENATE, No. 1205**

[SECOND OFFICIAL COPY REPRINT]

with Assembly committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 11, 1979

This bill would increase the membership of the State Board of Nursing from eight members to 13 members by adding three registered professional nurses, one licensed practical nurse and one public member. With these additions the membership of the Board would consist of seven registered professional nurses, two licensed practical nurses, three public members and a designee from the Executive Branch. The appointments of the members to the Board would be made by the Governor with the advice and consent of the Senate.

Two of the present qualifications for appointment to the Board in subsection b of section 1 are that a registered professional nurse must be “. . . a graduate from a college or university or have had equivalent preparation as determined by the board of directors of the New Jersey State Nurses’ Association . . .” and must have “. . . at least two years’ executive or teaching experience in nursing education. . . .” As to the first qualification, there are three different educational paths a person can follow to become a registered professional nurse: the baccalaureate degree in nursing from a college or university, the associate of arts degree in nursing from a community college and the diploma from a hospital diploma school of nursing. The vast majority of registered professional nurses practicing in this State hold either a diploma from a hospital diploma school of nursing or an associate degree from a community college as their highest degree. The second qualification is also biased towards the nurses with a baccalaureate degree because a person needs at least a baccalaureate degree or master’s degree to teach in nursing. Both of these qualifications prevent the majority of the registered professional nurses from being considered for membership on their own professional board. It is for these reasons that the Committee deleted these two provisions on qualifications and opened up the membership of the Board to all the registered professional nurses. The State Department of Higher Education, the Department of Law and Public Safety, the Department of the Public Advocate, the New Jersey Nurses’ Action Coalition, the Association of Diploma Schools of Professional Nursing, and the New Jersey Hospital Association support the removal of these restrictions.

SENATE LABOR, INDUSTRY AND PROFESSIONS  
COMMITTEE

STATEMENT TO

**SENATE, No. 1205**

with Senate committee amendments

—◆—  
**STATE OF NEW JERSEY**  
—◆—

DATED: JANUARY 30, 1979

This bill would enlarge the Board of Nursing by adding three additional registered nurses and one additional practical nurse.

The Senate Labor Industry and Professions Committee amended the bill to add one additional public member, to be appointed by the Governor, with the advice and consent of the Senate.

SENATE AMENDMENTS TO  
**SENATE, No. 1205**  
[OFFICIAL COPY REPRINT]

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**STATE OF NEW JERSEY**

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ADOPTED FEBRUARY 22, 1979

Amend page 1, section 1, line 11, after "member," insert "all".

Amend page 1, section 1, line 11, after "Governor", omit ",".

Amend page 1, section 1, line 18, omit "Appointments shall be made by", insert "In making appointments".

Amend page 1, section 1, line 19, omit "who".

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STATEMENT

This amendment clarifies that the Senate's obligation of advice and consent would apply to all members of the Board of Nursing and not just the third public member.

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

September 10, 1979

SENATE BILL NO. 1205 (3 OCR)

To the Senate:

Pursuant to Article V, Section 1, Paragraph 14(b) of the Constitution, I am returning Senate Bill No. 1205 (3 OCR), with my objections, for reconsideration.

This bill would make three significant changes in the appointment of members to the New Jersey Board of Nursing. First of all, the bill would change the composition of the Board by adding three additional registered nurses, one additional licensed practical nurse and one additional public member. Secondly, the bill would eliminate the current baccalaureate and executive or teaching experience requirements in order to qualify for appointment to the Board. Finally, the bill would require the Governor to make the appointments with the advice and consent of the Senate.

I find the requirement that the Governor's authority to appoint the members of the Board of Nursing be subject to the advice and consent of the Senate objectionable. Current law authorizes the Governor to appoint the members of the Board of Nursing without the advice and consent of the Senate. Of the twenty-two existing boards and commissions, only five have advice and consent requirements and four of these are boards with quasi-public functions in certifying documents. Only independent positions should be subject to Senate advice and consent. The functions of the Board of Nursing are essentially advisory.

Accordingly, I am returning Senate Bill No. 1205 for reconsideration with the recommendation that it be amended as follows:

Page 1, Section 2(a), lines 11-12: after "Governor" delete "with the advice and consent of the Senate".

Respectfully,

/s/

GOVERNOR

[seal]

Attest:

/s/ Robert E. Mulcahy, III

CHIEF OF STAFF, SECRETARY