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NEW JERSEY REGISTER

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RULE PROPOSALS

**LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY BOARD OF NURSING**

40 N.J.R. 91(a)

Proposed Amendment: *N.J.A.C. 13:37-5.5*

[Click here to view Interested Persons Statement](#)

Fee Schedule

Authorized By: State Board of Nursing, George Hebert, Executive Director.

Authority: *N.J.S.A. 45:11-24* and *45:11-24.12*.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2008-1.

Submit written comments by March 7, 2008 to:

George Hebert, Acting Executive Director
State Board of Nursing
Post Office Box 45010
Newark, New Jersey 07101

The agency proposal follows:

Summary

N.J.S.A. 45:11-24.10 et seq. instituted an Alternative to Discipline Program (Program) for licensees of the Board of Nursing (Board). *N.J.S.A. 45:11-24.12* permits the Board to establish a surcharge on licensing fees to cover costs related to the administration of the Program. The Board is currently drafting rules that would implement the Program. During the drafting process, the Board determined that it needs funds to establish and support the intervention program to which the Board will send impaired licensees. Accordingly, the Board proposes to amend *N.J.A.C. 13:37-5.5(a)* to impose a five dollar surcharge on licensees upon renewal so that it may raise the funds necessary to support the

Program.

The Board has determined that the comment period for this proposal will be 60 days; therefore, pursuant to *N.J.A.C. 1:30-3.3(a)5*, this proposal is excepted from the rulemaking calendar requirement.

Social Impact

The Program provides for the confidential oversight of licensees who are undergoing treatment for dependencies or impairments, which ensures that licensees in treatment will be able to work and will be practicing in a safe and effective manner. The proposed amendment will provide funding for the Program.

Economic Impact

The proposed amendment will have an economic impact upon licensees by imposing a surcharge on renewal.

Federal Standards Statement

A Federal standards analysis is not required because there are no Federal laws or standards applicable to the proposed amendment.

Jobs Impact

The Director does not believe that the proposed amendment will result in an increase or decrease of jobs in this State.

Agriculture Industry Impact

The Director does not believe that the proposed amendment will have any impact on the agriculture industry of this State.

Regulatory Flexibility Analysis

Since the individuals who will pay the surcharge imposed by the proposed amendment will be individually licensed by the Board pursuant to the Regulatory Flexibility Act (the Act), *N.J.S.A. 52:14B-16* et seq., they may be considered "small businesses" for the purposes of the Act.

The costs imposed by the proposed amendment are the same for all licensees as set forth above in the Summary and Economic Impact statement. The Board does not believe that licensees will need to employ any professional services to comply with the requirements of the proposed amendment. The proposed amendment imposes no reporting or recordkeeping requirements, but imposes compliance requirements upon licensees in that they will pay the surcharge upon renewal.

The surcharge ensures that the Program is adequately funded. The Board proposes to impose the surcharge uniformly for all licensees. Therefore, no differing compliance requirements are imposed upon any licensees.

Smart Growth Impact

The Board does not anticipate that the proposed amendment will have any impact on the achievement of smart growth and implementation of the State Development and Redevelopment Plan, otherwise known as the State Plan.

Full text of the proposal follows (additions indicated in boldface **thus**):

13:37-5.5 Fee schedule

(a) The following fees shall be charged by the Board in connection with licensure of professional and practical nurses:

1.-11. (No change.)

12. Alternative to Discipline surcharge..... 5.00

(b)-(f) (No change.)