



1 of 1 DOCUMENT

NEW JERSEY REGISTER  
Copyright © 2009 by the New Jersey Office of Administrative Law

VOLUME 41, ISSUE 10

ISSUE DATE: MAY 18, 2009

**RULE PROPOSALS**

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

*41 N.J.R. 2078(a)*

**Proposed Amendment: *N.J.A.C. 13:37-5.2***

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

**Biennial License Renewal**

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

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

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

Proposal Number: PRN 2009-142.

Submit written comments by July 17, 2009 to:

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

The agency proposal follows:

**Summary**

The Board recently adopted amendments to *N.J.A.C. 13:37-5.2* that require a licensee whose license has been administratively suspended or inactive for more than five years to fulfill the requirements for initial licensure as a prerequisite of reinstating or reactivating a license. During review of *N.J.A.C. 13:37-5.2* prior to adoption, the Board determined that patient safety would be enhanced by requiring a nurse who has not been practicing for more than five

years to complete a refresher course in nursing, so that he or she is current on nursing practice. The Board proposes to amend *N.J.A.C. 13:37-5.2* to require that every licensee applying for reinstatement or reactivation successfully complete a nurse refresher course consisting of 30 hours of didactic and clinical education.

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

### **Social Impact**

The proposed amendment ensures that nurses reentering practice after more than five years of administrative suspension or inactive licensure status are capable of practicing in a safe and effective manner. This will protect patients from those who may not be prepared to render the highest quality care.

### **Economic Impact**

The proposed amendment will have an economic impact on nurses who seek reinstatement or reactivation of licensure after more than five years. Such nurses will be required to complete a refresher course. The cost of such a course will be borne by the nurses.

### **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 Board does not believe that the proposed amendment will result in an increase or decrease in the number of jobs in New Jersey.

### **Agriculture Industry Impact**

The Board 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 seek reinstatement or reactivation of licensure under *N.J.A.C. 13:37* will be individually licensed by the Board under 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 affected licensees as set forth above in the Economic Impact. 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 does impose compliance requirements upon licensees as detailed in the Summary above.

The proposed amendment imposes a refresher course requirement on licensees who seek reinstatement or reactivation after more than five years in order to ensure that every nurse is adequately prepared to perform nursing services. Therefore, no differing compliance requirements are imposed upon any licensee or applicant for licensure.

### **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.

### **Housing Affordability Impact**

The proposed amendment will have an insignificant impact on affordable housing in New Jersey and there is an extreme unlikelihood that the rule would evoke a change in the average costs associated with housing because the proposed amendment concerns renewal of licensure for nurses.

### **Smart Growth Development Impact**

The proposed amendment will have an insignificant impact on smart growth and there is an extreme unlikelihood that the rule would evoke a change in housing production in Planning Areas 1 or 2 or within designated centers under the State Development and Redevelopment Plan in New Jersey because the proposed amendment concerns renewal of licensure for nurses.

**Full text** of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

[page=2079] SUBCHAPTER 5. GENERAL REQUIREMENT OF LICENSURE; LICENSE RENEWAL; FEE SCHEDULE

13:37-5.2 Biennial license renewal

(a)-(e) (No change.)

(f) A person seeking reinstatement after more than five years following the administrative suspension of a license shall: [reapply]

**1. Reapply** for licensure[. The applicant shall fulfill] **by fulfilling** all of the initial licensure requirements found at *N.J.A.C. 13:37-2.1*[.]; **and**

**2. Successfully complete a refresher course consisting of 30 hours of didactic and clinical education conducted by a qualified instructor within the meaning of *N.J.A.C. 13:37-1.7*.**

(g)-(i) (No change.)

(j) A licensee who has been on inactive status for more than five years who wishes to return to the practice of nursing shall: [reapply]

**1. Reapply** for licensure[. The applicant shall fulfill] **by fulfilling** all of the initial licensure requirements found at *N.J.A.C. 13:37-2.1*[.]; **and**

**2. Successfully complete a refresher course consisting of 30 hours of didactic and clinical education conducted by a qualified instructor within the meaning of *N.J.A.C. 13:37-1.7*.**