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**RULE PROPOSALS**

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

*41 N.J.R. 3021(a)*

**Proposed Amendment: *N.J.A.C. 13:37-1.2***

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

**Application for Establishment of a New Program in Nursing**

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.

[page=3022] Proposal Number: PRN 2009-257.

Submit written comments by October 16, 2009 to:

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

The agency proposal follows:

**Summary**

Pursuant to *N.J.S.A. 45:11-24*, the Board of Nursing (Board) has the authority to accredit schools of nursing. The Board has recently seen a large increase in the number of nurse education programs applying for Board accreditation. Many of these programs submit applications for accreditation that are inadequate and incomplete, therefore the school cannot be

accredited without substantial revisions to the submitted documentation. The Board has become involved in a lengthy process with such programs that continually submit inadequate applications and documentation, resulting in many Board hours spent working with these programs, detailing necessary revisions to the application. The Board has determined that it does not have the time or resources for consultations for these programs and is proposing amendments to *N.J.A.C. 13:37-1.2* to limit a program to one revision of the application and materials it submits to the Board for accreditation. If a program has resubmitted a revised application and materials and it is denied accreditation, or if it is denied accreditation outright without the opportunity for revision, the program, and its principals, may not reapply for accreditation for one year.

The Board is concerned that many new nurse education programs are not providing appropriate clinical education to their students. As a result, program graduates are not adequately prepared to provide safe and effective patient care. The Board proposes to amend *N.J.A.C. 13:37-1.2* to require that every program that applies for accreditation submit a copy of the written agreement between the program and a clinical agency that will supply the program's students with the opportunity for the clinical component of their education.

The Board also proposes to amend *N.J.A.C. 13:37-1.2(c)* to correct a grammatical mistake.

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 Board believes that limiting the number of times a program may submit revised applications and information will free the Board to spend more time addressing its other statutorily mandated function of regulating the nursing profession.

The Board believes that requiring nurse education programs to submit a copy of the written agreement between the program and its affiliated clinical agency will help to ensure that programs have the ability to offer their students clinical education. This will result in graduates better prepared to serve the public.

### **Economic Impact**

The Board believes that the proposed amendment will have an economic impact on programs that are prohibited from applying for accreditation for one year after being denied accreditation by the Board. The Board does not believe that the proposed amendment will have any other economic impact.

### **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**

Limiting the number of times a program may submit revised applications and documentation, and preventing a program that has been denied accreditation from reapplying for one year, may result in fewer programs obtaining accreditation and a concomitant decrease in the number of teaching positions available in the State.

### **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**

The nurse education programs applying for Board accreditation may be considered "small businesses" for the purposes of the Regulatory Flexibility Act (the Act), *N.J.S.A. 52:14B-16* et seq.

The economic impact on small businesses will be the same as on all businesses as detailed in the Economic Impact above. Nurse education programs that have been denied accreditation may need to employ nursing consultants in order to properly prepare or revise the application or documentation in order to ensure that the program will be able to obtain Board accreditation. The proposed amendment does not impose recordkeeping or reporting requirements, but does impose compliance requirements as set forth in the Summary above.

The Board believes that the proposed amendment furthers the welfare and safety of the public by ensuring that nurse education programs are prepared to provide students with an education that prepares them to provide safe and effective patient care. As such, the provisions must be applied uniformly to all programs regardless of the size of the business.

### **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 the accreditation application process for schools of nursing.

### **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 the accreditation application process for schools of nursing.

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

#### SUBCHAPTER 1. PROGRAMS IN NURSING EDUCATION

##### 13:37-1.2 Application for establishment of a new program in nursing

(a)-(b) (No change.)

(c) After reviewing the application, the Board shall either:

1. (No change.)

2. Require revisions to the proposed program or to the materials submitted as required by (a) above or the submission of additional information. Revisions to the proposed program or to the application materials [does] **do** not ensure that provisional accreditation will be granted by the Board; or

3. (No change.)

**(d) An educational institution that is required to revise the proposed program or the materials submitted pursuant to (c)2 above shall be granted only one opportunity to revise the program or materials. If, after reviewing the revision, the Board determines that the program is not adequate, the educational institution shall be denied permission to establish a new program.**

**(e) An educational institution, or its principals, that is denied permission to establish a new program pursuant to (c)3 or (d) above shall not be permitted to apply to establish a new program pursuant to (a) above for one year from the date the Board denies permission.**

[(d)] **(f)** The educational institution may request in writing an appearance before the Board for reconsideration of the revisions or denial based upon (c)2 or 3 **or (d)** above within 30 days of written notification of the required revisions or denial.

[(e)] **(g)** After receiving permission to pursue the development of a new program, the educational institution shall submit to the Board the following items no later than four months prior to the anticipated start date of the program:

[page=3023] 1.-7. (No change.)

8. A written statement describing the support staff; [and]

**9. A copy of the written agreement between the nursing program and the clinical agency with which it is affiliated pursuant to *N.J.A.C. 13:37-1.10*; and**

[9.] **10.** (No change in text.)

[(f)] **(h)** After reviewing the materials required by [(e)] **(g)** above, the Board shall either:

1. (No change.)

2. Require revisions to the program or the program materials required by [(e)] **(g)** above or the submission of additional information. Revisions to the program or program materials do not ensure that provisional accreditation will be granted by the Board; or

3. (No change.)

**(i) An educational institution that is required to revise the proposed program or the materials submitted pursuant to (h)2 above shall be granted only one opportunity to revise the program or materials. If, after reviewing the revisions, the Board determines that the program is not adequate, the educational institution will be denied permission to establish a new program.**

**(j) An educational institution, or its principals, that is denied permission to establish a new program pursuant to (h)3 or (i) above shall not be permitted to apply to establish a new program pursuant to (a) above for one year from the date the Board denies permission.**

[(g)] **(k)** The educational institution may request, in writing, an appearance before the Board for reconsideration of the revisions or denial based upon [(f)2 or 3] **(h)2 or 3 or (i)** above within 30 days of written notification of the required revisions or denial.