

NJSNA/IFN Professional Summit

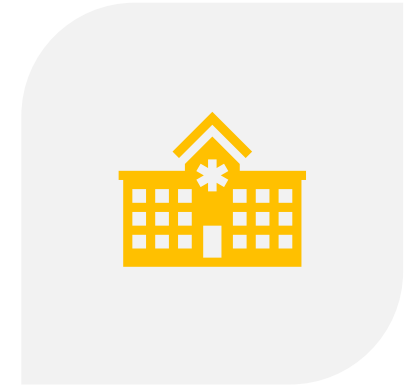
Rules and Regulations That Affect Your Practice



New Jersey Board of Nursing



A STATE BOARD OF NURSING IS THE STATE-SPECIFIC LICENSING AND REGULATORY BODY THAT SETS THE STANDARDS FOR SAFE NURSING CARE, AND DECIDES THE SCOPE OF PRACTICE FOR NURSES WITHIN ITS JURISDICTION.



THE NEW JERSEY BOARD OF NURSING WAS ESTABLISHED IN 1912 TO PROTECT THE HEALTH, SAFETY AND WELFARE OF NEW JERSEY'S RESIDENTS BY ENSURING THAT THOSE WHO PRACTICE NURSING ARE QUALIFIED AND COMPETENT TO DO SO. THIS BOARD LICENSES REGISTERED NURSES AND PRACTICAL NURSES, AND REGULATES THE NURSING PROFESSION IN NEW JERSEY. THE BOARD CERTIFIES ADVANCED PRACTICE NURSES, SEXUAL ASSAULT FORENSIC NURSES, AND CERTIFIED HOMEMAKER-HOME HEALTH AIDES. THE BOARD ACCREDITS NURSING SCHOOLS AND APPROVES CLINICAL AFFILIATES.

New Jersey Board of Nursing

- Office of the Attorney General
 - Department of Public Safety
 - Division of Consumer Affairs
 - New Jersey Board of Nursing

New Jersey Board of Nursing Members

Name	Status	MemberType
Patricia Egenton, MSN, RN, NE-BC, CCRN, CEN	Current	Registered Nurse (1)
Gina M. Miranda - Diaz, DNP, RN	Current	Registered Nurse (2)
Barbara B. Blozen, Ed.D, MA, RN	Current	Registered Nurse (3)
James V. Doran, MS, RN, APN	Current	Registered Nurse (4)
Lucille Ann Joel, Ed.D., RN, APN	Current	Registered Nurse (5)
Irma R. Camaligan, RN	Current	Registered Nurse (6)
	VACANT	Advanced Practice Nurse
	VACANT	Licensed Practical Nurse (1)
Mariela Zapata, LPN	Current	Licensed Practical Nurse (2)
Stefanie Mozgai, BA, RN, CPM	Current	State Government Member
Mary Beth Russell, Ph.D., RN-BC	Current	Nurse Educator (1)
Dorothy Kozlowski, RN, MSN, APN-C	Current	Nurse Educator (2)
Tayfun Selen, LEED, AP, CPA	Current	Public Member (1)
Anne Semanik	Current	Public Member (2)
	VACANT	Public Member (3)

Nurse Practice Act

- All states and territories have enacted a nurse practice act (NPA). Each state's NPA is enacted by the state's legislature. The NPA itself is insufficient to provide the necessary guidance for the nursing profession, therefore, each NPA establishes a board of nursing (BON) that has the authority to develop administrative rules or regulations to clarify or make the law more specific. Rules and regulations must be consistent with the NPA and cannot go beyond it. These rules and regulations undergo a process of public review before enactment. Once enacted, rules and regulations have the full force and effect of law.


Although the specificity of NPAs varies among states, all NPAs include:

- Authority, power and composition of a board of nursing
- Education program standards
- Standards and scope of nursing practice
- Types of titles and licenses
- Requirements for licensure
- Grounds for disciplinary action, other violations and possible remedies



Standards of Practice

- ANA works (through its State Constituents) closely with the Boards of Nursing (BON) reviewing the standards set by the agency that oversees your nursing practice.
- Monitor actions by other groups/professions to ensure their actions do not encroach on nursing practice
 - EMT
 - LPN
 - Non-licensed care givers



Where is my Scope of Practice?

- New Jersey Statutes
 - Nursing falls under Title 45 Professions and Occupations
 - Title 45-11 (23-52)
- New Jersey Administrative Code (NJAC)
 - NJBON Rules and Regulations
 - Title 13 Chapter 37
 - Subchapters 1-16



How do I know if a procedure is within my scope of practice?

- No laundry list of procedures
- Algorithms
 - Delegatory
 - Decision-making
- NJ Board of Nursing:
 - <http://www.njconsumeraffairs.gov/nur/pages/applications.aspx>

Algorithms for Practice Questions

- <https://www.njconsumeraffairs.gov/nur/Pages/determinescope.aspx>
- <https://www.njconsumeraffairs.gov/nur/Pages/decisionmaking.aspx>
- <https://www.njconsumeraffairs.gov/nur/Pages/delegationoftasks.aspx>



UNDERSTANDING THE FRAMEWORK: NURSING & LEGAL

- Nursing Specific Statutes and Administrative Rules in NJ
 - – Nurse Practice Act, N.J.S.A. 45:11-1, et seq.
 - – Health Care Professional Responsibility and Reporting Enhancement Act, N.J.S.A. 45:1-33, et seq. & N.J.S.A. 26:2H-12.2
 - – N.J. Board of Nursing, N.J.A.C. 13:37-1, et seq.



Statutes that Affect Nurses

- **THE CULLEN LAW**
- • a/k/a - Health Care Professional Responsibility and Reporting Enhancement Act, N.J.S.A. 45:1-33, et seq. & N.J.S.A. 26:2H-12.2
- – Criminal history & background checks of all health care licensees regulated by the Division of Consumer Affairs.
- – Reporting by licensed health care entities of health care professionals.
- – Reporting by health care professionals of other licensed health care professionals.



Statutes that Affect Nurses

- HIPAA
- Health Insurance Portability and Accountability Act of 1996
- Obamacare – Affordable Care Act of 2010 – *First regulation effective October 1, 2012.*
- – The law instituted a series of changes to standardize billing and required health plans to begin adopting and implementing rules for the secure, confidential, electronic exchange of health information. Department of Health and Human Services

Self Reporting Requirement NJAC 13:37-6.2

- A licensee or certificant should immediately notify the NJBON if he/she:
 - “Is named as a defendant or respondent in a civil, criminal or administrative investigation complaint or judgement involving alleged malpractice, negligence or misconduct relating to his or her practice”
 - Or
 - “Is the subject of any voluntary license or certification surrender or any disciplinary action or order by any state or Federal agency, board or commission, including any order of limitation or preclusion.”



FAILURE TO REPORT

- Possible disciplinary action may be initiated by the NJ BON for failure to knowingly:
 - Self Report
 - Report a nursing licensee who is witnessed by another nursing licensee to be a violation of the Nurse Practice Act.

Social Media

- SOCIAL MEDIA SELF-DISCLOSURES
- -Facebook/Twitter/Instagram – Exercising
- – Eating Habits
- – Political Views
- – Family/Social Biography & Issues – Death/Suicide
- – Chronic Illnesses
- – Accidents/Traumas

SOCIAL MEDIA

Be Wary of:

- ✓ Sexting – Video
- ✓ Photos
- ✓ Content/Words

Social Media- Self Disclosures-Sexting

NJAC 13:37-14.7

“Sexual Misconduct”

- No solicitation of sexual contact with a patient
- No non-health care related discussion of an intimate sexual nature with a patient
- No activity with a patient that serves the licensee's personal prurient interests
- No activity for the sexual arousal or gratification of the licensee or patient

MOST COMMON COMPLAINTS OF MISUSE AGAINST NURSES

- Complaints to the Board of Nursing related to social media:

Generally can be placed in the following categories:

- Breach of privacy or confidentiality against patients
 - Egregious cases
 - Cases that are more subtle
- Failure to report others' violations of privacy against patients
- Lateral violence against colleagues
- Communication against employers
- Boundary violation
- Employer/faculty use of social media against employees/students

Spector, N., Kappel, D., (Sept. 2012), "Guidelines for Using Electronic and Social Media: The Regulatory Perspective" OJIN: The Online Journal of Issues in Nursing Vol. 17, No. 3, Manuscript 1.

EMPLOYMENT CONSEQUENCES

- EMPLOYERS:

- Investigation (known/unknown)
- Negative Performance Evaluation
- Reprimand
- Loss of supervisory position/payment
- Impact on future advancement
- Suspension
- Termination

BOARD OF NURSING CONSEQUENCES

OUTCOMES:

- Investigations
- Administrative Penalty – Civil Penalty
- Reprimand
- Probation
- Suspension
- Revocation
- Loss of Certification(s)

Consequences: Board of Nursing

- Issues Post- Determination
 - BON Decisions reported to National Practitioner Data Bank
 - Subsequent Disciplinary Action in other States
 - Revocation of Certifications
 - Public Disclosure of Discipline
 - Termination of Employment
 - Exclusion Lists for Employment
 - Criminal Sanctions
 - Civil Suits



Alternatives to Discipline

- Nurses with substance use or mental illness
- Nurses having impaired Practice
- Can be referred by self, peer, patient, patient family or institution
- Board of Nursing Discipline Review
- Referral to Recovery and Monitoring Program



LICENSEE PROTECTION

The program shall permit these licensees to disclose their dependency or impairment status to an intervention program designated by the board, which shall provide confidential oversight of the licensee during the period that the licensee seeks treatment for, and follows a plan for recovery from, the dependency or impairment.

(NJ Nursing Statues page 11)

REPORTING OF UNLAWFUL CONDUCT

- **13:37-5.8**
- A licensee or certificant shall report to the Board any incident or series of incidents that the licensee or certificant, in good faith, believes is in violation of the Nurse Practice Act, N.J.S.A. 45:11-23 et seq., this chapter, or N.J.A.C. 13:45C. (NJAC Chapter 37 13:37-5.80)



NJ Board of Nursing Alerts

- Check frequently the NJBON website:
 - <https://www.njconsumeraffairs.gov/nur/Pages/regulations.aspx>



Opioid Continuing Education Requirement

- Pursuant to N.J.S.A. 45:11-26.3 (L.2017, c.28, S.21), as a condition of biennial license renewal, all registered professional nurses and all licensed practical nurses must complete one (1) credit of continuing education concerning prescription opioid drugs, including alternatives to opioids for managing and treating pain, and the risks and signs of opioid abuse, addiction, and diversion.
- The Board will not be checking compliance during the 2019 license renewal.

