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RULE ADOPTION
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

Continuing Education

Adopted New Rule: [N.J.A.C. 13:37-5.3](#)

Adopted Amendment: [N.J.A.C. 13:37-5.4](#)

Proposed: June 6, 2005 at 37 N.J.R. 1921(a)

Adopted: October 18, 2005 by the Board of Nursing, Maris Lown, President

Filed: March 29, 2006 as R.2006 d.156, without change.

Authority: [N.J.S.A. 45:11-24](#)

Effective Date: May 1, 2006

Expiration Date: July 6, 2010

Summary of Public Comments and Agency Responses:

The official comment period ended August 5, 2005. The Board received ten comments from the following individuals:

1. Dawn Firsing-Paris
2. Bernie Gerard, Jr., Vice President, Health Professionals and Allied Employees
3. Barbara Bivin, RN, BSN, BC, CSN
4. Virginia C. Treacy, Executive Director, JNESO--District Council 1, IUOE
5. Karen DeWitt, Vice President of Patient Care, Children's Specialized Hospital
6. Julia Hicks, RN, BSN, Rehabilitation Hospital
7. Josephine Sienkiewicz, RN, MSN, Director of Education and Clinical Practice
8. Stephanie E. Whitson, MSN, RN, CPHQ, Assistant Director, Clinical Practice & Education
9. Carolyn Torre, RN, MA, APN,C., Director of Practice, NJSNA
10. Jean Alan Bestafka, RN, BS, Home Health Services and Staffing Association of New Jersey

1. COMMENT: Many of the commenters support the institution of **continuing education** as a requirement for licensure renewal. These commenters believe that such a requirement will allow nurses to remain competent in the rapidly changing healthcare field.

RESPONSE: The Board thanks the commenters for their support.

2. COMMENT: One commenter believes that the Board has allowed adequate time for licensees to comply with **continuing education** requirements as these requirements will not become effective until 2008.

RESPONSE: The Board thanks the commenter for his support but points out that these requirements will become effective upon adoption. Pursuant to [N.J.A.C. 13:37-5.3\(j\)](#),

the Board will not require registered professional nurses and licensed practical nurses to comply with these requirements until the 2008 renewal.

3. COMMENT: One commenter is concerned that the Board has not allowed licensees enough time to comply with the **continuing education** requirements for the 2005 renewal.

RESPONSE: The Board points out that [N.J.A.C. 13:37-5.3\(j\)](#) states that registered professional nurses and licensed practical nurses will not be required to verify that they have complied with the **continuing education** requirements until the 2008 renewal of licensure.

4. COMMENT: One commenter supports the provision which allows licensees to apply up to 15 credits of **continuing education** into the succeeding biennial renewal period.

RESPONSE: The Board thanks the commenter for her support.

5. COMMENT: One commenter supports proposed amendments to [N.J.A.C. 13:37- 5.4](#) which require a licensee on inactive status to complete **continuing education** hours prior to returning to active licensure.

RESPONSE: The Board thanks the commenter for her support.

6. COMMENT: One commenter requests that the Board impose less stringent **continuing education** requirements for inactive licensees and suggests that an inactive licensee should only complete the active renewal **continuing education** requirements when he or she returns to active status.

RESPONSE: The Board thanks the commenter for this suggestion. The Board has addressed this issue at [N.J.A.C. 13:37-5.4](#) which partially incorporates the procedure that the commenter raised. The Board is currently working on a rulemaking that will address renewal requirements.

7. COMMENT: One commenter believes that the Board has provided a broad variety of mechanisms by which licensees may obtain **continuing education** hours.

RESPONSE: The Board thanks the commenter for her support.

8. COMMENT: Two commenters are concerned that the Board requires attendance in formally accredited programs. One of these commenters contends that employers often provide **continuing education** programs which are not accredited by the National Commission for Certifying Agencies. The commenters believe that this rule will be a financial burden for hospitals and that hospitals may not be able to pay for enough programs for their employees to meet the requirements of the rule. One of the commenters suggests that the Board recognize that some **continuing education** hours may be completed at non-accredited educational programs.

RESPONSE: The Board requires that **continuing education** courses be accredited to ensure that every course is valid and contributes to a licensee's knowledge base. The Board will not recognize any non-accredited educational programs. Since the proposed regulations established many different methods whereby licensees may satisfy **continuing education** hours, the Board believes that this will alleviate the commenters' concerns regarding the financial burden of the **continuing education** requirements.

9. COMMENT: Several commenters suggest that the Board allow licensees who present to non-nurses to count hours spent preparing and presenting towards **continuing education** requirements. These presentations include developing health related curriculum and presentations to para-professionals and consumers and in-service education development in the home health arena. These commenters contend that nurses who develop and present these programs have to research nursing issues, utilize curriculum development processes, and present new and updated information. The commenters contend that such research benefits a licensee's knowledge base, educational skills and professional skills. One of the commenters presents lectures

to high school students about nursing as a profession. She conducts these presentations on her own time, without pay. She was considering discontinuing these presentations, but believes that she would continue if such presentations counted towards **continuing education** requirements.

RESPONSE: The Board believes that the presentations that the commenters describe do not meet the goals of the **continuing education** criteria set forth in [N.J.A.C. 13:37-5.3](#). The Board will therefore not recognize the presentations described by the commenters.

10. COMMENT: One commenter asks if teaching an American Heart Association cardiopulmonary resuscitation course would qualify for **continuing education**.

RESPONSE: Teaching or developing a new course that meets the requirements set forth in [N.J.A.C. 13:37-5.3\(d\)](#)⁴ will satisfy the **continuing education** requirements.

11. COMMENT: One commenter believes that any time a lecture is presented to colleagues or student nurses it should qualify for **continuing education**. The commenter points out that any such presentation is done on the nurse's own time and, in her case, is not recognized or credited by her facility. The commenter believes that allowing nurses to count such presentations towards **continuing education** requirements would be an encouragement to provide such presentations. The commenter believes that the "new" requirement is too stringent.

RESPONSE: The purpose of [N.J.A.C. 13:37-5.3](#) is to require nurses to complete **continuing education** so that they add to their knowledge base and maintain competency. Although the rule may encourage nurses to provide presentations, this is not the intended goal. The requirement that only "new" presentations count towards the **continuing education** requirement reflects the Board's belief that only the initial preparation for a presentation truly represents a process that adds to a licensee's knowledge base and competency. Repetitions of already prepared presentations do not sufficiently add towards a licensee's knowledge base and competency and will therefore not satisfy **continuing education** requirements.

12. COMMENT: One commenter points out that many nurses teach at their facilities or as guest speakers at schools regarding their areas of expertise. The commenter contends that developing new topics in areas in which nurses do not have expertise is not feasible. The commenter questions why she and other nurses should continue to teach if they cannot count these presentations towards **continuing education** requirements. The commenter believes that the rule as proposed will lead to more lectures being presented by non-expert nurses.

RESPONSE: The purpose of [N.J.A.C. 13:37-5.3](#) is to require nurses to complete **continuing education** to add to their knowledge base and maintain competency. Although the rule may encourage licensees to teach, this is not the intended goal. As explained above, the Board believes that only new presentations add to a licensee's knowledge base and competency. The Board believes that preparing to teach in an area outside of a licensee's expertise is exactly the process that adds to knowledge base and competency and is what the Board intended to satisfy **continuing education** requirements.

13. COMMENT: One commenter contends that the Board should recognize **continuing education** hours obtained through professional journals and approved on-line programs. The commenter believes this is particularly important for licensees who work in independent settings or small manufacturing or industrial sites that would have limited access to formal educational programs. The commenter believes that such avenues for obtaining hours are encompassed by the new rule, but suggests that [N.J.A.C. 13:37-5.3\(d\)](#)¹ specifically list them.

RESPONSE: If these courses meet the requirements of [N.J.A.C. 13:37-5.3\(d\)](#) ¹, they will satisfy **continuing education** requirements. The Board believes it is not necessary to amend [N.J.A.C. 13:37-5.3](#) to allow for this.

14. COMMENT: One commenter suggests that any **continuing education** course that has

been approved by a credentialing agency accredited by a nursing association, such as the association of rehabilitation nursing, count towards the Board's **continuing education** requirement.

RESPONSE: N.J.A.C. 13:5.3(d)1 states that successful completion of **continuing education** courses or programs related to nursing and approved by a credentialing agency accredited by the National Commission for Certifying Agencies will count towards **continuing education** requirements. A course approved by a credentialing agency that is accredited by a nursing association will satisfy **continuing education** requirements provided that it is also approved by a credentialing agency that is accredited by the National Commission for Certifying Agencies.

15. COMMENT: One commenter asks if a credentialing agency approved by the Board is the only acceptable agency for accrediting programs or if a licensee may attend any national program accredited by the National Commission for Certifying Agencies.

RESPONSE: The Board does not approve credentialing agencies. [N.J.A.C. 13:37-5.3](#) sets forth those methods by which a licensee may meet the **continuing education** requirements. [N.J.A.C. 13:37-5.3\(d\)1](#) states that any **continuing education** courses related to nursing that have been approved by a credentialing agency accredited by the National Commission for Certifying Agencies will count towards **continuing education** requirements.

16. COMMENT: One commenter contends that continued competency can be obtained through many different methods. The commenter contends that direct clinical contact is a valid source of continued competence. The commenter suggests that the Board allow an individual to satisfy **continuing education** requirements by completing any two out of the following three areas: 15 credits of **continuing education**; 15 hours of professional nursing activity; or 320 hours of active nursing employment. The commenter also suggests that obtaining or maintaining a nationally recognized certification in a specialty area should satisfy **continuing education** requirements.

RESPONSE: The Board does not believe that 15 hours of professional nursing activity or 320 hours of active nursing employment sufficiently add to a licensee's knowledge base and competency and it will not recognize these methods for meeting **continuing education** requirements. The Board believes that its requirement of 30 hours of **continuing education** every biennial period is appropriate. The Board points out that any course which meets the requirements of [N.J.A.C. 13:37-5.3\(d\)](#) can be counted towards **continuing education** requirements even if the course is completed to obtain or maintain national certification.

17. COMMENT: One commenter contends that the Board should recognize 15 **continuing education** units, 15 hours of nursing activities or 320 hours of active nursing employment as satisfying **continuing education** requirements. The commenter points out that the nursing shortage makes it difficult for nurses to get time off, even for educational programs. The commenter contends that journal article **continuing education** units are excellent. The commenter points out that nurses must pay for renewal every two years, unlike teachers who do not have to renew certification. The commenter points out that teachers must complete 100 **continuing education** units every five years and that they receive paid in-service days for their **continuing education** units.

RESPONSE: As stated above, the Board will not recognize 15 hours of nursing activities or 320 hours of active nursing employment toward **continuing education** requirements. The Board points out that biennial renewal of licensure is imposed by statute and that it has no authority over, or any connection with, the teaching profession. The Board has no control over how many **continuing education** hours a teacher must complete, or the number of paid in-service days a teacher has.

18. COMMENT: One commenter suggests that the Board require specific courses as a pre-requisite for renewal of licensure. The commenter points out that New York requires licensees to take an "Identification and Reporting of Child Abuse in NY State" course at least once in order to satisfy **continuing education** requirements. The commenter suggests that the Board require a similar course as well as one in

delegation in nursing.

RESPONSE: The Board does not believe it is necessary at this time to require specific courses for every licensee. The changes in the landscape of the profession occur so rapidly that any specific course could become inapplicable in a very short time. The Board believes it is not necessary at this time to require that **continuing education** requirements should be specific so that licensees may focus on areas that are particularly relevant to their own specialties.

19. COMMENT: One commenter contends that the **continuing education** requirements will impose burdens on nurses who are already burdened by the nursing shortage and increased demands at work. The commenter believes that this burden will exacerbate the nursing shortage.

RESPONSE: The Board proposed [N.J.A.C. 13:37-5.3](#) so that all licensees would add to their knowledge base and competency and to help improve nursing care. The Board does not believe that 30 hours of **continuing education** is onerous nor that it will exacerbate the nursing shortage.

20. COMMENT: One commenter requests that the Board extend the comment period until the end of August.

RESPONSE: The Board provided a 60-day comment period, in part to ensure that there was sufficient time for individuals to review the proposal and provide comment. The Board does not believe it is necessary to extend the comment period.

21. COMMENT: One commenter believes that the new rule will allow corporate education and testing companies to flourish at the expense of nurses. The commenter contends that nurses are already suffering under a physically and financially stressful workload. The commenter contends that New Jersey must attract individuals to the nursing profession.

RESPONSE: The Board proposed [N.J.A.C. 13:37-5.3](#) so that licensees would add to their knowledge base and competency and therefore provide better care for patients. The rule was proposed to provide protection for the public who use nursing services and was not intended to benefit education and testing companies.

22. COMMENT: One commenter contends that the Board should create a service that updates licensees as to which programs satisfy **continuing education** requirements.

RESPONSE: The Board does not approve individual programs that meet the requirements of [N.J.A.C. 13:37-5.3](#). Any course that meets the requirements of [N.J.A.C. 13:37-5.3\(d\)](#) will count towards **continuing education** requirements. It is up to the licensee to determine if a course meets the requirements of [N.J.A.C. 13:37-5.3\(d\)](#).

23. COMMENT: One commenter suggests that the Board institute an on-line compliance determination system which would track whether a licensee has met the **continuing education** requirements. The commenter contends that Florida has such a system.

RESPONSE: The Board is currently exploring whether a compliance tracking system could be instituted in this State. For the time being, the Board will follow the auditing procedures established by [N.J.A.C. 13:37-5.3](#).

24. COMMENT: One commenter asks how the Board decided that 30 hours of **continuing education** would be required for renewal. The commenter points out that other states have differing requirements, with 28 states not requiring **continuing education** and 12 requiring less than 30.

RESPONSE: The Board looked at the **continuing education** requirements of other State Boards, other Boards in other states and national nursing organizations. The Board believes that the requirements of [N.J.A.C. 13:37-5.3](#) are in keeping with these other requirements and that they help to ensure that licensees add to their knowledge base and competency.

25. COMMENT: One commenter points out that other states that are part of the Nurse Multistate Licensure Compact do not require licensees to complete 30 hours of **continuing education**. The commenter points out that 11 states in the compact do not require **continuing education**, three require less than 20 hours and three require 30 hours or more. The commenter asks how the Board will recognize these differing requirements.

RESPONSE: Pursuant to the dictates of the Nurse Multistate Licensure Compact, the Board may not impose requirements for **continuing education** on licensees of other states who are members of the Compact. Once the Compact becomes effective in New Jersey, any licensee who is validly licensed in his or her home state may work in New Jersey without meeting the licensing and **continuing education** requirements of the Board. The Board points out that any nurse who is licensed by the Board must comply with the Board's **continuing education** requirements.

26. COMMENT: One commenter contends that the required hours of **continuing education** are excessive for licensed practical nurses. The commenter contends that the skill level, educational background and job functions of a licensed practical nurse are less than those for a registered professional nurse; licensed practical nurses should therefore not be required to comply with the same requirements as registered professional nurses. The commenter believes that complying with the **continuing education** requirements could be an economic hardship for licensed practical nurses. The commenter suggests that the Board require that licensed practical nurses complete half the hours required of registered professional nurses.

RESPONSE: The Board does not agree that a licensed practical nurse should complete fewer **continuing education** hours than a registered professional nurse. A licensed practical nurse is a professional whose practice will benefit from completing 30 **continuing education** hours.

27. COMMENT: One commenter asks if being on disability for a maternity leave constitutes a hardship for which **continuing education** requirements would be waived.

RESPONSE: Pursuant to [N.J.A.C. 13:37-5.3\(g\)](#), a licensee who seeks a waiver of **continuing education** requirements must apply to the Board for such a waiver. The Board will determine, based upon the application, whether the **continuing education** requirements should be waived for that licensee. The Board cannot decide whether or not the **continuing education** requirement should be waived without reviewing the specific circumstances set forth in the application and the documentation supporting the waiver request.

Federal Standards Statement

A Federal standards analysis is not required because there are no Federal standards or requirements applicable to the education requirements of the adopted new rule and amendment.

Full text of the adoption follows:

<< [NJ ADC 13:37-5.3](#) >>

13:37-5.3 Continuing education

(a) Upon biennial active license renewal, a registered professional nurse or licensed practical nurse shall attest that he or she has completed courses of **continuing education** of the types and number of hours specified in (b), (c) and (d) below. Falsification of any information submitted on the renewal application may result in penalties and/or suspension or revocation of the license pursuant to [N.J.S.A. 45:1-21](#) through [45:1-25](#).

(b) Each applicant for biennial active license renewal shall complete during the preceding biennial period a minimum of 30 hours of **continuing education**.

(c) A registered professional nurse or licensed practical nurse who completes more

than the minimum **continuing education** hours set forth in (b) above in any biennial registration period may carry up to 15 of the additional hours into the succeeding biennial period.

(d) A registered professional nurse or licensed practical nurse may obtain **continuing education** hours from the following:

1. Successful completion of **continuing education** courses or programs related to nursing and approved by a credentialing agency accredited by the National Commission for Certifying Agencies: one hour for each 50 minutes of attendance;
2. Successful completion of a course, related to nursing, given by a school, college or university accredited by the New Jersey Department of Education or an agency of another state with requirements substantially similar to the requirements of the New Jersey Department of Education: five hours for each credit successfully completed;
3. Successful completion of a course in a doctoral degree program which has a research component: five hours for each credit successfully completed;
4. Teaching or developing the curriculum for a new **continuing education** program related to nursing that is approved pursuant to (d)1 above. "New" means that the registered professional nurse or licensed practical nurse has never taught or developed curriculum for that course or program in any educational setting: one hour for each 50 minutes taught;
5. Teaching or developing the curriculum for a new course related to nursing in a school, college or university accredited by the New Jersey Department of Education or an agency of another state with requirements substantially similar to the requirements of the New Jersey Department of Education. "New" means that the registered professional nurse or licensed practical nurse has never taught or developed curriculum for that course in any educational setting: five hours for each credit taught;
6. Authorship of a published textbook or a chapter of a published textbook related to nursing: 15 hours for each chapter up to 30 hours;
7. Completion of a doctoral dissertation: 30 hours;
8. Authorship of a published article related to nursing, which has been refereed through peer review, in a medical, nursing or health related journal: 15 hours per article up to 30;
9. Presenting a new seminar or lecture to professional peers related to nursing, provided the seminar or lecture is at least one hour long. "New" means that the registered professional nurse or licensed practical nurse has never taught or developed curriculum for that seminar or lecture in any educational setting: one hour for each 50 minutes of presentation;
10. Completion of a research project where the registered professional nurse or licensed practical nurse is a primary or co-investigator and the research project has been approved by an institutional review board: 30 hours;
11. Development of new instructional materials related to nursing such as a compact disc, ROM or videotape: 15 hours up to 30; and
12. Acting as a preceptor for at least 100 hours as part of an organized preceptorship program: 10 hours for the period during which the registered professional nurse or licensed practical nurse acts as a preceptor.

(e) **Continuing education** hours that could be allocated to more than one of the options in (d) above shall only be counted once and shall not be allocated for more than one option. For instance, a course which could be awarded hours pursuant to (d)4 and 5 above shall only count as a course for either (d)4 or 5, but not both.

(f) The Board may perform audits on randomly selected registered professional nurses and licensed practical nurses to determine compliance with **continuing education** requirements. A registered professional nurse or licensed practical nurse shall maintain the following documentation for a period of four years after completion of the hours and shall submit such documentation to the Board upon request:

1. For attendance at programs or courses: a certificate of completion from the provider;
2. For publication of textbook or article: the published item, including the date of publication;
3. For teaching a course or program or developing curriculum: documentation, including a copy of the curriculum, location, date and time of course, duration of course by hour, and letter from provider confirming that the registered professional nurse or licensed practical nurse developed or taught the course or program;
4. For presenting a lecture or seminar: documentation including the location, date and duration of the lecture or seminar;
5. For a research project: a copy of the written materials regarding the project which lists the primary or co-investigators;
6. For instructional material: a copy of the instructional materials; and
7. For a preceptorship: documentation maintained pursuant to the organized preceptorship program and a document designating the registered professional nurse or licensed practical nurse as a preceptor.

(g) The Board may waive the **continuing education** requirements of this section on an individual basis for reasons of hardship, such as severe illness, disability, or military service.

1. A registered professional nurse or licensed practical nurse seeking a waiver of the **continuing education** requirements shall apply to the Board in writing at least 90 days prior to license renewal and set forth in specific detail the reasons for requesting the waiver. The registered professional nurse or licensed practical nurse shall provide the Board with such supplemental materials as will support the request for waiver.

2. A waiver of **continuing education** requirements granted pursuant to this subsection shall only be effective for the biennial period in which such waiver is granted. If the condition(s) which necessitated the waiver continue into the next biennial period, a registered professional nurse or licensed practical nurse shall apply to the Board for the renewal of such waiver for the new biennial period.

(h) The Board may direct or order a registered professional nurse or licensed practical nurse to successfully complete **continuing education** hours:

1. As part of a disciplinary or remedial measure in addition to the required 30 hours of **continuing education**; or
2. To correct a deficiency in the registered professional nurse or licensed practical nurse's **continuing education** requirements.

(i) Any **continuing education** hours completed by the registered professional nurse or licensed practical nurse in compliance with an order or directive from the Board as set forth in (h) above shall not be used to satisfy the minimum **continuing education** requirements as set forth in this section.

(j) Registered professional nurses and licensed practical nurses whose licenses expire on May 31, 2006 shall comply with the requirements of (a) through (e) above

commencing with the 2008 renewal of licensure. Registered professional nurses and licensed practical nurses whose licenses expire on May 31, 2007 shall comply with the requirements of (a) through (i) above commencing with the 2009 renewal of licensure.

<< [NJ ADC 13:37-5.4](#) >>

13:37-5.4 Categories of licenses

(a) Licenses shall be divided into two categories known as "active" and "inactive" licenses. All persons engaged in any type of nursing practice shall have an active license. An individual who is eligible for an active license but who is not engaged in any type of nursing practice may request an inactive license.

(b) Before engaging in nursing practice, a holder of an inactive license shall register with the Board as active and pay the active biennial license fee as set forth at [N.J.A.C. 13:37-5.5\(a\)](#). A licensee who changes status from inactive to active shall submit evidence to the Board that he or she has completed 30 credits of **continuing education** which meets the requirements of [N.J.A.C. 13:37-5.3](#).

38 N.J.R. 1844(a)
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