

41 N.J.R. 2204(a)

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

VOLUME 41, ISSUE 11

ISSUE DATE: JUNE 1, 2009

RULE PROPOSALS

LAW AND PUBLIC SAFETY DIVISION OF CONSUMER AFFAIRS STATE BOARD OF MEDICAL EXAMINERS

41 N.J.R. 2204(a)

Proposed Amendments: [N.J.A.C. 13:35-2A.4](#) and [2A.14](#)

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

Certified Midwives: Application for Licensure; Prescriptive Authorization

Authorized By: State Board of Medical Examiners, William Roeder, Executive Director.

Authority: [N.J.S.A. 45:9-2](#) and [45:10-22](#).

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

Proposal Number: PRN 2009-156.

Submit comments by July 31, 2009 to:
William Roeder, Executive Director
State Board of Medical Examiners
P.O. Box 183
Trenton, NJ 08625

The agency proposal follows:

Summary

The Board of Medical Examiners (Board) proposes to amend [N.J.A.C. 13:35-2A.4](#) to recognize that the American College of Nurse Midwives Certification Council (ACC) is a valid accrediting agency for midwifery programs. The rule is also amended to use the acronyms "ACNM" and "ACC" as those acronyms are defined in N.J.A.C. 13:35-2A.

Existing [N.J.A.C. 13:35-2A.14](#) requires that a certified nurse midwife (CNM) who is

applying for prescriptive authority complete a pharmacology course within the two years preceding application for authorization. The Board has imposed this requirement to ensure that applicants have up-to-date knowledge and experience in pharmacology at the time application is submitted. Some CNMs complete a pharmacology course at the beginning of their midwifery education program. In such cases, the applicant for prescriptive authority cannot presently qualify for prescriptive authorization, even though the applicant has up-to-date knowledge and experience in pharmacology because it is integrated into their midwifery education. In order to ensure that adequately prepared applicants for prescriptive authorization are not precluded from obtaining authorization, the Board proposes to amend [N.J.A.C. 13:35-2A.14](#) to authorize applicants who complete the prerequisite pharmacology course as part of their midwifery education to obtain prescriptive authority application is made within two years of graduating from a midwifery course.

Proposed amendments to [N.J.A.C. 13:35-2A.14](#) recognize that a pharmacology course affiliated with a college or university adequately prepares CNMs to hold prescriptive authority. Proposed amendments to the rule delete requirements that an applicant submits proof that he or she is licensed as a nurse and as a CNM in New Jersey. As the Board issues CNM licensure, and such licensure requires that the applicant hold a [page=2205] license as a nurse in New Jersey, the Board will already know who is a licensed CNM and documentation of this information is unnecessary.

Proposed new [N.J.A.C. 13:35-2A.14\(e\)](#) allows a CNM who holds certification as an advanced practice nurse to obtain prescriptive authority as a CNM. As APNs hold prescriptive authority pursuant to their certification from the Board of Nursing, the Board recognizes that these individuals qualify for prescriptive authority as a CNM (even if the prerequisite education is completed more than two years before the submission of an application for prescriptive authorization as a CNM).

As the Board has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to [N.J.A.C. 1:30-3.3\(a\)5](#).

Social Impact

The Board believes that the proposed amendments will have a positive impact. The amendments recognize that some individuals complete pharmacology courses as part of midwifery education or for APN certification. The amendments also recognize additional avenues for obtaining pharmacology education. This will facilitate CNMs in obtaining prescriptive authority and allow them to provide a broader range of services for their patients.

Economic Impact

The Board does not believe that the proposed amendments will have an economic impact.

Federal Standards Statement

A Federal standards statement is not required because there are no Federal standards or requirements applicable to the requirements of the proposed

amendments.

Jobs Impact

The Board does not believe that the proposed amendments will increase or decrease the number of jobs in New Jersey.

Agriculture Industry Impact

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

Regulatory Flexibility Analysis

If certified nurse midwives are considered "small businesses" for the purposes of the Regulatory Flexibility Act, [N.J.S.A. 52:14B-16](#) et seq., then the following analysis applies.

There are no costs imposed by the proposed amendments. The proposed amendments impose compliance and reporting requirements on CNMs who apply for prescriptive authority as set forth in the Summary. The amendments do not impose any recordkeeping requirements. The Board believes that since the amendments provide for the adequate education of CNMs who are applying for prescriptive authority, the rules should be applied uniformly to all licensees.

Smart Growth Impact

The Board does not anticipate that the proposed amendments 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 amendments will have an insignificant impact on affordable housing in New Jersey and there is an extreme unlikelihood that the rules would evoke a change in the average costs associated with housing because the proposed amendments concern prescriptive authorization for CNMs.

Smart Growth Development Impact

The proposed amendments will have an insignificant impact on smart growth and there is an extreme unlikelihood that the rules 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 amendments concern prescriptive authorization for CNMs.

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

SUBCHAPTER 2A. LIMITED LICENSES: MIDWIFERY

13:35-2A.4 Application for licensure

(a) An applicant for licensure as a midwife shall submit to the Committee:

1.-2. (No change.)

3. An official transcript from a midwifery program, accredited by the [American College of Nurse Midwives (ACNM)], **ACC** or the Midwifery Education Accreditation Council (MEAC), or their successors;

4.-7. (No change.)

(b) (No change.)

13:35-2A.14 Prescriptive authorization

(a) A CNM who is [currently registered] **licensed** with the Board of Medical Examiners may apply for authorization to prescribe drugs (as used within this section, the term "drugs" shall include drugs, medicine and devices). The CNM shall make application on forms prescribed by the Board and shall demonstrate:

1.-2. (No change.)

[3. Evidence of satisfactory completion of a minimum of 30 contact hours (as defined by the National Task Force on the Continuing Education Unit) in pharmacology or a pharmacology course offered by a college or university accredited by an accrediting association recognized by the U.S. Department of Education. The pharmacology course shall include instruction in fundamentals of pharmacology and therapeutics including principles and terminology of pharmacodynamics and pharmacokinetics. The pharmacology course shall have been completed within the two years immediately preceding the date on which the application is made.]

3. Evidence of satisfactory completion of a minimum of 30 contact hours in pharmacology, which included instruction in fundamentals of pharmacology and therapeutics, including principles and terminology of pharmacodynamics and pharmacokinetics, which was either:

i. Part of the midwifery program the CNM completed pursuant to [N.J.A.C. 13:35-2A.4\(a\)3](#); or

ii. A pharmacology course offered by, or affiliated with, a college or university accredited by an accrediting association recognized by the U.S. Department of Education.

(b) If the 30 contact hours in pharmacology required pursuant to (a)3 above was included as part of the midwifery program the CNM completed pursuant to [N.J.A.C. 13:35-2A.4\(a\)3](#), the CNM shall have graduated from the midwifery course within the two years immediately preceding the date on which the application for prescriptive authority is made.

(c) If the 30 contact hours in pharmacology required pursuant to (a)3 above was not part of the midwifery program the CNM completed pursuant to [N.J.A.C. 13:35-2A.4\(a\)3](#), the CNM shall have completed the pharmacology course within the two years immediately preceding the date on which the application for prescriptive authority is filed.

[(b)] **(d)** Notwithstanding (a), **(b) and (c)** above, a CNM who holds prescriptive authorization in another state shall be authorized to prescribe drugs in New Jersey, [even if the pharmacology course was completed more than two years prior to the date on which the certified nurse midwife makes application for authorization to prescribe drugs in New Jersey,] if the CNM submits proof to the Committee that he or she:

[page=2206] 1. Holds current prescriptive authorization, without disciplinary restrictions in another state; **and**

[2. Is a registered professional nurse in New Jersey;

3. Is licensed as a CNM in New Jersey; and]

[4.] **2.** Has completed 30 contact hours in [a] pharmacology, [course offered by a college or university accredited by an accrediting association recognized by the U.S. Department of Education] **which meets the requirements of (a)3 above.**

(e) Notwithstanding (a), (b) and (c) above, a CNM who also holds certification as an advanced practice nurse from the New Jersey Board of Nursing shall be authorized to prescribe drugs pursuant to [N.J.S.A. 45:10-17](#) et seq., if the CNM submits proof to the Committee that he or she:

1. Holds current, unencumbered certification as an advanced practice nurse from the New Jersey Board of Nursing; and

2. Has completed 30 contact hours in pharmacology, which meets the requirements of (a)3 above.

Recodify existing (c)-(e) as **(f)-(h)** (No change in text.)