

# ASSEMBLY, No. 5037

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED NOVEMBER 19, 2020

**Sponsored by:**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**SYNOPSIS**

Requires Board of Nursing to establish dual certification for certified nurse aide and homemaker-home health aide; transfers certified nurse aide licensing authority from DOH to Board of Nursing.

**CURRENT VERSION OF TEXT**

As introduced.



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1 AN ACT certified nurse aide and homemaker-home health aide  
2 certifications and amending, supplementing, and repealing  
3 various sections of the statutory law.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7

8 1. Section 2 of P.L.1947, c.262 (C.45:11-24) is amended to  
9 read as follows:

10 2. a. The board; appointment; terms. In addition to the  
11 members appointed to represent the interests of the public pursuant  
12 to P.L.1971, c.60 (C.45:1-2.1 et seq.), the New Jersey Board of  
13 Nursing shall consist of 12 members, six of whom shall be  
14 registered professional nurses, two of whom shall be licensed  
15 practical nurses, two of whom shall be nurse educators, one of  
16 whom shall be an advanced practice nurse, and one of whom shall  
17 be an additional public member, all to be appointed by the  
18 Governor. Appointments to the board shall be for terms of five  
19 years or for the unexpired portion of a term in the case of a vacancy  
20 for any cause within a term, and until a successor shall be appointed  
21 and qualified. In making appointments the Governor shall give due  
22 consideration to, but shall not be bound by, recommendations  
23 submitted by the various nurses' professional associations of this  
24 State. Upon notice and hearing, the Governor may remove from  
25 office any member of the board for neglect of duty, incompetency,  
26 or unprofessional or dishonorable conduct.

27 b. Qualifications for appointment. The advanced practice nurse  
28 member shall be a resident of this State, shall be a graduate of an  
29 accredited advanced practice nurse program, shall have had at least  
30 five years' experience in professional nursing, shall at the time of  
31 appointment be actively working as an advanced practice nurse,  
32 and, except for the member first appointed, shall hold a certification  
33 as an advanced practice nurse pursuant to P.L.1991, c.377 (C.45:11-  
34 45 et al.). Each registered professional nurse member of the board  
35 shall be a citizen of the United States and a resident of this State;  
36 shall be a graduate of an accredited school of nursing within the  
37 United States; shall be a registered nurse in this State; shall have  
38 had at least five years' experience in professional nursing following  
39 graduation from an accredited school of nursing; and shall at the  
40 time of appointment be actively engaged in nursing or work relating  
41 thereto. The licensed practical nurse members of the board shall be  
42 citizens of the United States and residents of this State; shall hold a  
43 valid license to practice practical nursing in this State; shall have  
44 had at least three years' experience in practical nursing; and shall at  
45 the time of appointment be actively engaged in practical nursing or

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

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1 work related thereto. Each nurse educator member of the board  
2 shall be a resident of this State, shall be a registered nurse in this  
3 State, shall have at least five years' experience in professional  
4 nursing, and shall have been active as an educator or administrator  
5 in an approved program to train registered nurses.

6 c. Oath or affirmation of office. Within 30 days after receipt of  
7 the commission, each appointee shall take, subscribe, and file in the  
8 office of the Secretary of State the oath or affirmation prescribed by  
9 law.

10 d. Duties and powers. The board shall have the following  
11 duties and powers: (1) It shall hold annual meetings and such other  
12 meetings as it may deem necessary at such times and places as the  
13 board shall prescribe and a majority of the board including one  
14 officer shall constitute a quorum. (2) It shall elect from its  
15 members and prescribe the duties of a president and secretary-  
16 treasurer, each of whom shall serve for one year and until a  
17 successor is elected. (3) It shall appoint and prescribe the duties of  
18 an executive secretary to the board who need not be a member  
19 thereof but who shall be a citizen of the United States, a graduate of  
20 a college or university with a major in nursing education, a  
21 registered nurse of this State with at least five years' experience in  
22 teaching or administration or both in an accredited school of  
23 professional nursing, or have equivalent qualifications as  
24 determined by the board. The executive secretary shall hold office  
25 during the will and pleasure of the board. (4) It shall employ and  
26 prescribe the duties of such persons as in its judgment shall be  
27 necessary for the proper performance and execution of the duties  
28 and powers of the board. (5) It shall determine and pay reasonable  
29 compensation and necessary expenses of the executive secretary  
30 and all employees of the board. (6) It shall pay to each member of  
31 the board the compensation hereinafter provided. (7) It shall have a  
32 common seal, keep an official record of all its meetings, and  
33 through its secretary-treasurer report annually to the Governor the  
34 work of the board. (8) It shall examine applicants for a license or  
35 renewals thereof, issue, renew, revoke, and suspend licenses, as  
36 hereinafter provided. (9) It shall in its discretion investigate and  
37 prosecute all violations of provisions of this act. (10) It shall keep  
38 an official record which shall show the name, age, nativity, and  
39 permanent place of residence of each applicant and licensee and  
40 such further information concerning each applicant and licensee as  
41 the board shall deem advisable. The record shall show also whether  
42 the applicant was examined, licensed, or rejected under this and any  
43 prior act. Copies of any of the entries of the record or of any  
44 certificate issued by the board may be authenticated by any member  
45 of the board under its seal and when so authenticated shall be  
46 evidence in all courts of this State of the same weight and force as  
47 the original thereof. For authenticating a copy of any entry or  
48 entries contained in its record the board shall be paid a fee of \$3.00,

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1 but such authentication, if made at the request of any public agency  
2 of this or any other jurisdiction, may be without fee. (11) In its  
3 discretion it may publish at such times as it shall determine a list of  
4 nurses licensed under this act, a list of schools of nursing accredited  
5 or approved under this act, and such other information as it shall  
6 deem advisable. (12) It shall prescribe standards and curricula for  
7 schools of nursing and evaluate and approve courses for affiliation.  
8 (13) It shall hear and determine applications for accreditation of  
9 schools of professional nursing, conduct investigations before and  
10 after accreditation of such schools and institutions with which they  
11 are affiliated, and issue, suspend, or revoke certificates of  
12 accreditation as hereinafter provided. (14) It shall approve schools  
13 of practical nursing which shall conform to the standards, curricula,  
14 and requirements prescribed by the board, and suspend or revoke  
15 approval for violations thereof; provided, that this power shall not  
16 extend to schools operated by any board of education in this State.  
17 (15) It may consult with the Medical Society of New Jersey and the  
18 New Jersey Hospital Association with respect to any matter relating  
19 to the administration of this act and shall consult with those  
20 associations with respect to standards and curricula and any change  
21 thereof for schools of nursing. (16) It shall issue subpoenas for the  
22 attendance of witnesses and production of documents at any hearing  
23 before the board authorized by this act and any member of the board  
24 shall administer an oath or affirmation to persons appearing to give  
25 testimony at such hearings. (17) It may conduct any investigations,  
26 studies of nursing and nursing education and related matters, and  
27 prepare and issue such publications as in the judgment of the board  
28 will advance the profession of nursing and its service to the public.  
29 (18) It shall perform all other functions which are provided in this  
30 act to be performed by it or which in the judgment of the board are  
31 necessary or proper for the administration of this act. (19) It shall  
32 from time to time prescribe rules and regulations not inconsistent  
33 with this act. (20) It shall prescribe standards and curricula for  
34 homemaker-home health aide education and training programs  
35 which a homemaker-home health aide shall complete in order to  
36 work in this State. (21) It shall review applications to provide  
37 homemaker-home health aide training programs and shall issue,  
38 suspend or revoke program approval. (22) It shall establish and  
39 maintain a registry of all individuals who have successfully  
40 completed a homemaker-home health aide training and competency  
41 evaluation program. The board shall provide for the inclusion in  
42 the registry of information about the disqualification of any person  
43 from certification as a homemaker-home health aide pursuant to  
44 sections 7 through 13 of P.L.1997, c.100 (C.45:11-24.3 through  
45 24.9), including the specific documented findings constituting the  
46 basis for that disqualification; except that the information shall  
47 indicate that the person was convicted of a crime or disorderly  
48 persons offense as described in section 7 of P.L.1997, c.100

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1 (C.45:11-24.3), but shall not identify the conviction or convictions  
2 which constitute the basis for the disqualification. (23) It shall  
3 prescribe standards and requirements for a competency evaluation  
4 program resulting in certification of the homemaker-home health  
5 aide, and the renewal, revocation, and suspension of that  
6 certification. (24) It shall review applications for homemaker home-  
7 health aide certification and shall issue, suspend, revoke, or fail to  
8 renew certifications and conduct investigations pursuant to the  
9 provisions of P.L.1978, c.73 (C.45:1-14 et seq.). (25) It shall  
10 require that nursing school curricula include, and shall prescribe  
11 standards for, the training of registered professional nurses in the  
12 supervision of, and the delegation of nursing tasks to, unlicensed  
13 assistive personnel, and shall further prescribe standards  
14 establishing the criteria for determining those tasks which registered  
15 professional nurses may delegate to unlicensed assistive personnel  
16 working under their supervision and the type of supervision  
17 required with respect to those personnel. (26) It shall prescribe  
18 standards and requirements for unlicensed assistive personnel,  
19 including initial education and continuing education and a  
20 competency evaluation program, which these personnel shall satisfy  
21 in order to work in this State. As used in this paragraph and in  
22 paragraph (25) of this subsection, "unlicensed assistive personnel"  
23 means any unlicensed or uncertified personnel employed by a  
24 licensed health care facility that perform nursing tasks which do not  
25 require the skill or judgment of a registered professional nurse and  
26 which are assigned to them by, and carried out under the  
27 supervision of, a registered professional nurse. (27) It may require  
28 licensees to meet continuing education requirements as a condition  
29 of relicensure. (28) It shall prescribe application, education, and  
30 training standards and other requirements as necessary for obtaining  
31 a dual certification as a certified nurse aide and homemaker-home  
32 health aide. The requirements for obtaining a dual certification as a  
33 certified nurse aide and a homemaker-home health aide shall be  
34 lessened for an individual who is certified either as a certified nurse  
35 aide or as a homemaker-health aide at the time he or she applies for  
36 dual certification.

37 e. Compensation. Each member of the board shall receive  
38 \$15.00 per day for each day in which such member is actually  
39 engaged in the discharge of duties and traveling and other expenses  
40 necessarily incurred in the discharge of duties.  
41 (cf: P.L.2017, c.125, s.1)

42  
43 2. Section 7 of P.L.1997, c.100 (C.45:11-24.3) is amended to  
44 read as follows:

45 7. a. The New Jersey Board of Nursing in the Division of  
46 Consumer Affairs in the Department of Law and Public Safety shall  
47 not issue a homemaker-home health aide, nurse aide, or personal  
48 care assistant certification to any applicant, except on a conditional

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1 basis as provided for in subsection d. of section 8 of  
2 P.L.1997, c.100 (C.45:11-24.4), unless the board first determines,  
3 consistent with the requirements of sections 7 through 13 of  
4 P.L.1997, c.100 (C.45:11-24.3 through 24.9), that no criminal  
5 history record information exists on file in the Federal Bureau of  
6 Investigation, Identification Division, or in the State Bureau of  
7 Identification in the Division of State Police, which would  
8 disqualify that person from being certified. A homemaker-home  
9 health aide, nurse aide, or personal care assistant certified by the  
10 board prior to the effective date of P.L.2000, c.20 and upon whom a  
11 criminal history record background check has not been conducted  
12 pursuant to sections 7 through 13 of P.L.1997, c.100 (C.45:11-24.3  
13 through 24.9), shall be required to undergo that criminal history  
14 record background check as a condition of that individual's initial  
15 recertification following the effective date of P.L.2000, c.20.

16 In addition, a follow-up criminal history record background  
17 check of federal records shall be conducted at least once every two  
18 years as a condition of recertification for every certified  
19 homemaker-home health aide, nurse aide, and personal care  
20 assistant; except that the board, in lieu of conducting follow-up  
21 criminal history record background checks for purposes of  
22 recertification, may provide for an alternative means of determining  
23 whether a certified homemaker-home health aide, nurse aide, or  
24 personal care assistant has been convicted of a crime or disorderly  
25 persons offense which would disqualify that person from  
26 certification, including, but not limited to, a match of a person's  
27 Social Security number or other identifying information with  
28 records of criminal proceedings in this and other states. If the board  
29 elects to implement this alternative means of determining whether a  
30 certified homemaker-home health aide, nurse aide, or personal care  
31 assistant has been convicted of a crime or disorderly persons  
32 offense which would disqualify that person from certification, the  
33 board shall report to the Governor and the Legislature prior to its  
34 implementation on the projected costs and procedures to be  
35 followed with respect to its implementation and setting forth the  
36 rationale therefor.

37 A person shall be disqualified from certification if that person's  
38 criminal history record background check reveals a record of  
39 conviction of any of the following crimes and offenses:

40 (1) In New Jersey, any crime or disorderly persons offense:

41 (a) involving danger to the person, meaning those crimes and  
42 disorderly persons offenses set forth in N.J.S.2C:11-1 et seq.,  
43 N.J.S.2C:12-1 et seq., N.J.S.2C:13-1 et seq., N.J.S.2C:14-1 et seq.  
44 or N.J.S.2C:15-1 et seq.; or

45 (b) against the family, children or incompetents, meaning those  
46 crimes and disorderly persons offenses set forth in N.J.S.2C:24-1 et  
47 seq.; or

1 (c) involving theft as set forth in chapter 20 of Title 2C of the  
2 New Jersey Statutes; or

3 (d) involving any controlled dangerous substance or controlled  
4 substance analog as set forth in chapter 35 of Title 2C of the New  
5 Jersey Statutes except paragraph (4) of subsection a. of  
6 N.J.S.2C:35-10.

7 (2) In any other state or jurisdiction, of conduct which, if  
8 committed in New Jersey, would constitute any of the crimes or  
9 disorderly persons offenses described in paragraph (1) of this  
10 subsection.

11 b. Notwithstanding the provisions of subsection a. of this  
12 section, no person shall be disqualified from certification on the  
13 basis of any conviction disclosed by a criminal history record  
14 background check performed pursuant to sections 7 through 13 and  
15 section 14 of P.L.1997, c.100 (C.45:11-24.3 through 24.9 and  
16 C.53:1-20.9a) if the person has affirmatively demonstrated to the  
17 New Jersey Board of Nursing in the Division of Consumer Affairs  
18 clear and convincing evidence of the person's rehabilitation. In  
19 determining whether a person has affirmatively demonstrated  
20 rehabilitation, the following factors shall be considered:

21 (1) the nature and responsibility of the position which the  
22 convicted person would hold, has held or currently holds, as the  
23 case may be;

24 (2) the nature and seriousness of the offense;

25 (3) the circumstances under which the offense occurred;

26 (4) the date of the offense;

27 (5) the age of the person when the offense was committed;

28 (6) whether the offense was an isolated or repeated incident;

29 (7) any social conditions which may have contributed to the  
30 offense; and

31 (8) any evidence of rehabilitation, including good conduct in  
32 prison or in the community, counseling or psychiatric treatment  
33 received, acquisition of additional academic or vocational  
34 schooling, successful participation in correctional work-release  
35 programs, or the recommendation of those who have had the person  
36 under their supervision.

37 c. If a person subject to the provisions of sections 7 through 13  
38 of P.L.1997, c.100 (C.45:11-24.3 through 24.9) refuses to consent  
39 to, or cooperate in, the securing of a criminal history record  
40 background check, the New Jersey Board of Nursing shall, as  
41 applicable:

42 (1) not issue a homemaker-home health aide, nurse aide, or  
43 personal care assistant certification, as applicable, and shall notify  
44 the applicant, and the applicant's employer if the applicant is  
45 conditionally employed as provided in subsection d. of section 8 of  
46 P.L.1997, c.100 (C.45:11-24.4) or the applicant's prospective  
47 employer if known, of that denial; or

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1 (2) revoke the person's current homemaker-home health aide,  
2 nurse aide, or personal care assistant certification, as applicable,  
3 and notify the person, and the person's employer, if known, of that  
4 revocation.

5 (cf: P.L.2000, c.20, s.5)

6  
7 3. Section 8 of P.L.1997, c.100 (C.45:11-24.4) is amended to  
8 read as follows:

9 8. a. An applicant for homemaker-home health aide, nurse  
10 aide, or personal care assistant certification, or a certified person  
11 who is required to undergo a criminal history record background  
12 check pursuant to section 7 of P.L.1997, c.100 (C.45:11-24.3), shall  
13 submit to the New Jersey Board of Nursing that individual's name,  
14 address and fingerprints taken on standard fingerprint cards by a  
15 State or municipal law enforcement agency. The board is  
16 authorized to exchange fingerprint data with and receive criminal  
17 history record information from the Federal Bureau of Investigation  
18 and the Division of State Police for use in making the  
19 determinations required by sections 7 through 13 of P.L.1997, c.100  
20 (C.45:11-24.3 through 24.9).

21 b. Upon receipt of the criminal history record information for a  
22 person from the Federal Bureau of Investigation or the Division of  
23 State Police, the New Jersey Board of Nursing shall immediately  
24 notify, in writing, the applicant, and the applicant's employer if the  
25 applicant is conditionally employed as provided in subsection d. of  
26 this section or the applicant's prospective employer, if known, or  
27 the certified person who is required to undergo a criminal history  
28 record background check pursuant to section 7 of P.L.1997, c.100  
29 (C.45:11-24.3) and that person's employer, as applicable, of the  
30 person's qualification or disqualification for homemaker-home  
31 health aide, nurse aide, or personal care assistant certification under  
32 sections 7 through 13 of P.L.1997, c.100 (C.45:11-24.3 through  
33 24.9). If the person is disqualified, the conviction or convictions  
34 which constitute the basis for the disqualification shall be identified  
35 in the notice to the person, but shall not be identified in the notice  
36 to the person's employer or prospective employer.

37 c. The person who is the subject of the background check shall  
38 have 30 days from the date of the written notice of disqualification  
39 to petition the New Jersey Board of Nursing for a hearing on the  
40 accuracy of the person's criminal history record information or to  
41 establish the person's rehabilitation under subsection b. of section 7  
42 of P.L.1997, c.100 (C.45:11-24.3). The board shall notify the  
43 person's employer or prospective employer of the person's petition  
44 for a hearing within five days following the receipt of the petition  
45 from the person. Upon the issuance of a final decision upon a  
46 petition to the board pursuant to this subsection, the board shall  
47 notify the person and the person's employer or prospective  
48 employer as to whether the person remains disqualified from



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1 certification under sections 7 through 13 of P.L.1997, c.100  
2 (C.45:11-24.3 through 24.9).

3 d. An applicant for certification may be issued conditional  
4 certification and may be employed as a homemaker-home health  
5 aide, nurse aide, or personal care assistant, as applicable,  
6 conditionally for a period not to exceed 60 days, pending  
7 completion of a criminal history record background check required  
8 under sections 7 through 13 of P.L.1997, c.100 (C.45:11-24.3  
9 through 24.9) by the Division of State Police in the Department of  
10 Law and Public Safety based upon an examination of its own files  
11 in accordance with section 14 of P.L.1997, c.100 (C.53:1-20.9a),  
12 and for an additional period not to exceed 60 days pending  
13 completion of a criminal history record background check by  
14 federal authorities as arranged for by the Division of State Police  
15 pursuant to section 14 of P.L.1997, c.100 (C.53:1-20.9a), if the  
16 person submits to the New Jersey Board of Nursing a sworn  
17 statement attesting that the person has not been convicted of any  
18 crime or disorderly persons offense as described in section 7 of  
19 P.L.1997, c.100 (C.45:11-24.3). A person who submits a false  
20 sworn statement shall be disqualified from certification as a  
21 homemaker-home health aide, nurse aide, or personal care assistant,  
22 and shall not have an opportunity to establish rehabilitation  
23 pursuant to subsection b. of section 7 of P.L.1997, c.100 (C.45:11-  
24 24.3).

25 A conditionally employed person, or an employed person  
26 certified as a homemaker-home health aide, nurse aide, or personal  
27 care assistant, who disputes the accuracy of the criminal history  
28 record information and who files a petition requesting a hearing  
29 pursuant to subsection c. of this section may remain employed by  
30 that person's employer until the board rules on the person's petition  
31 but, pending the board's ruling, the employer shall not permit the  
32 person to have unsupervised contact with patients or clients who are  
33 60 years of age or older.

34 e. (1) A licensed health care facility, home care services  
35 agency, or other entity that has received an application from or  
36 conditionally employed an applicant for homemaker-home health  
37 aide, nurse aide, or personal care assistant certification, or has  
38 employed a certified homemaker-home health aide, nurse aide, or  
39 personal care assistant, and

40 (a) receives notice from the board that the applicant or certified  
41 homemaker-home health aide, nurse aide, or personal care assistant,  
42 as applicable, has been determined by the board to be disqualified  
43 from certification as a homemaker-home health aide, nurse aide, or  
44 personal care assistant pursuant to sections 7 through 13 of  
45 P.L.1997, c.100 (C.45:11-24.3 through 24.9); or

46 (b) terminates its employment of a conditionally employed  
47 applicant for homemaker-home health aide, nurse aide, or personal  
48 care assistant certification or a certified homemaker-home health

1 aide, nurse aide, or personal care assistant because the person was  
2 disqualified from employment at the licensed health care facility,  
3 home care services agency, or other entity on the basis of a  
4 conviction of a crime or disorderly persons offense as described in  
5 section 7 of P.L.1997, c.100 (C.45:11-24.3) after commencing  
6 employment at the licensed health care facility, home care services  
7 agency, or other entity;  
8 shall be immune from liability for disclosing that disqualification or  
9 termination in good faith to another licensed health care facility,  
10 home care services agency, or other entity.

11 (2) A licensed health care facility, home care services agency, or  
12 other entity which discloses information pursuant to paragraph (1)  
13 of this subsection shall be presumed to be acting in good faith  
14 unless it is shown by clear and convincing evidence that the health  
15 care facility, home care services agency, or other entity acted with  
16 actual malice toward the person who is the subject of the  
17 information.

18 f. (1) A licensed health care facility, home care services  
19 agency, or other entity, upon receiving notice from the board that a  
20 person employed by it as a homemaker-home health aide, nurse  
21 aide, or personal care assistant, as applicable, including a  
22 conditionally employed person, has been convicted of a crime or  
23 disorderly persons offense as described in section 7 of  
24 P.L.1997, c.100 (C.45:11-24.3) after commencing employment at  
25 the licensed health care facility, home health care agency, or other  
26 entity, shall:

27 (a) immediately terminate the person's employment as a  
28 homemaker-home health aide, nurse aide, or personal care assistant;  
29 and

30 (b) report information about the conviction and termination to  
31 the board in a manner prescribed by the board, which shall  
32 thereupon deem the person to be disqualified from certification as a  
33 homemaker-home health aide, nurse aide, or personal care assistant,  
34 subject to the provisions of paragraph (3) of this subsection.

35 (2) A licensed health care facility, home care services agency, or  
36 other entity shall be immune from liability for any actions taken in  
37 good faith pursuant to paragraph (1) of this subsection and shall be  
38 presumed to be acting in good faith unless it is shown by clear and  
39 convincing evidence that the licensed health care facility, home care  
40 services agency, or other entity acted with actual malice toward the  
41 employee.

42 (3) The person terminated from employment pursuant to  
43 paragraph (1) of this subsection shall have 30 days from the date of  
44 the termination to petition the board for a hearing on the accuracy  
45 of the information about the conviction reported to the board or to  
46 establish why the person should not be terminated from  
47 employment, and disqualified from certification, as a homemaker-  
48 home health aide, nurse aide, or personal care assistant, as

1 applicable. The board shall notify the person's employer of the  
2 person's petition for a hearing within five days following the receipt  
3 of the petition from the person. Upon the issuance of a final  
4 decision upon a petition to the board pursuant to this paragraph, the  
5 board shall notify the person and the person's employer as to  
6 whether:

7 (a) the person is to be reinstated in his employment as a  
8 homemaker-home health aide, nurse aide, or personal care assistant,  
9 as applicable, and retain his certification; or

10 (b) the person's termination from employment as a homemaker-  
11 home health aide, nurse aide, or personal care assistant stands and  
12 the person remains disqualified from certification.

13 g. The New Jersey Board of Nursing shall provide for a  
14 registry of all persons who have successfully completed all training  
15 and competency evaluation requirements for certification as a nurse  
16 aide or personal care assistant and shall provide for the inclusion in  
17 the registry of information about the disqualification of any person  
18 from certification as a nurse aide or personal care assistant pursuant  
19 to sections 7 through 13 of P.L.1997, c.100 (C.45:11-24.3 through  
20 24.9).

21 (cf: P.L.2000, c.20, s.6)

22

23 4. Section 9 of P.L.1997, c.100 (C.45:11-24.5) is amended to  
24 read as follows:

25 9. The Department of Law and Public Safety shall assume the  
26 cost of the criminal history record background check conducted on  
27 an applicant for homemaker-home health aide, nurse aide, or  
28 personal care assistant certification pursuant to sections 7 through  
29 13 and section 14 of P.L.1997, c.100 (C.45:11-24.3 through 24.9  
30 and C.53:1-20.9a), or a certified homemaker-home health aide,  
31 nurse aide, or personal care assistant who is required to undergo a  
32 criminal history record background check pursuant to section 7 of  
33 P.L.1997, c.100 (C.45:11-24.3), as applicable.

34 (cf: P.L.2000, c.20, s.7)

35

36 5. Section 14 of P.L.1997, c.100 (C.53:1-20.9a) is amended to  
37 read as follows:

38 14. a. In accordance with the provisions of **sections 2 through**  
39 **6 and** sections 7 through 13 of P.L.1997, c.100 (**C.26:2H-83**  
40 **through 87 and** C.45:11-24.3 through 24.9) and P.L.2002, c.104  
41 (C.45:1-28 et al.), the Division of State Police in the Department of  
42 Law and Public Safety shall conduct a criminal history record  
43 background check, including a name and fingerprint identification  
44 check, of:

45 (1) each applicant for nurse aide **or** , personal care assistant  
46 **certification submitted to the Department of Health and Senior**  
47 **Services and of each applicant for** or homemaker-home health aide

1 certification submitted to the New Jersey Board of Nursing in the  
2 Division of Consumer Affairs;

3 (2) each nurse aide **【or】** , personal care assistant **【certified by**  
4 **the Department of Health and Senior Services and each】** and  
5 homemaker-home health aide certified by the New Jersey Board of  
6 Nursing, as required pursuant to P.L.1997, c.100 (C.26:2H-83 et  
7 al.); and

8 (3) each applicant for licensure or other authorization to engage  
9 in a health care profession who is required to undergo a criminal  
10 history record background check pursuant to P.L.2002, c.104  
11 (C.45:1-28 et al.).

12 b. For the purpose of conducting a criminal history record  
13 background check pursuant to subsection a. of this section, the  
14 Division of State Police shall examine its own files and arrange for  
15 a similar examination by federal authorities. The division shall  
16 immediately forward the information obtained as a result of  
17 conducting the check to: **【the Commissioner of Health and Senior**  
18 **Services, in the case of an applicant for nurse aide or personal care**  
19 **assistant certification or a certified nurse aide or personal care**  
20 **assistant;】** the New Jersey Board of Nursing in the Division of  
21 Consumer Affairs in the Department of Law and Public Safety, in  
22 the case of an applicant for homemaker-home health aide, nurse  
23 aide, or personal care assistant certification or a certified  
24 homemaker-home health aide, nurse aide, or personal care assistant;  
25 and the Director of the Division of Consumer Affairs in the  
26 Department of Law and Public Safety, in the case of an applicant  
27 for licensure or other authorization to practice as a health care  
28 professional as defined in section 1 of P.L.2002, c.104 (C.45:1-28).  
29 (cf: P.L.2002, c.104, s.5)

30  
31 6. (New section) An individual certified as a nurse aide by  
32 another state or territory of the United States may apply to have that  
33 certification entered on the registry established and maintained by  
34 the New Jersey Board of Nursing in the Division of Consumer  
35 Affairs in the Department of Law and Public Safety pursuant to  
36 section 8 of P.L.1997, c.100 (C.45:11-24.4), provided that:

37 a. the Board of Nursing receives documentation from the other  
38 state or territory that the applicant holds a current, valid  
39 certification as a nurse aide in the state or territory;

40 b. the applicant has not been convicted of any crimes and has  
41 no documented findings of abuse, neglect, or misappropriation of  
42 resident property in the other state or territory;

43 c. the applicant complies with the criminal history record  
44 background check requirements set forth under sections 7 through  
45 14 of P.L.1997, c.100 (C.45:11-24.3 through 24.9 and C.53:1-  
46 20.9a); and

1 d. (1) the applicant has completed within the preceding 24  
2 months the amount of continuing education hours required by  
3 regulation for a nurse aide; or

4 (2) the applicant has the equivalent of at least two years of full  
5 time employment in the other state or territory as a nurse aide and  
6 the most recent date of such employment is within the 24-month  
7 period immediately preceding the date of the application. The  
8 Board of Nursing shall require an individual applying for a  
9 certification to be entered on the registry on the basis of work  
10 experience pursuant to this paragraph to complete the clinical skills  
11 competency examination and the written and oral competency  
12 examination, required by the board pursuant to regulation, to verify  
13 the individual meets New Jersey's training and competency  
14 requirements.

15  
16 7. In accordance with the "Administrative Procedure Act,"  
17 P.L.1968, c.410 (C.52:14B-1 et seq.), the New Jersey Board of  
18 Nursing in the Division of Consumer Affairs in the Department of  
19 Law and Public Safety shall adopt rules and regulations necessary  
20 to implement the provisions of this act.

21  
22 8. The following sections are repealed:  
23 Sections 2 through 6 of P.L.1997, c.100 (C.26:2H-83 through  
24 C.26:2H-87); and  
25 Sections 1 and 2 of P.L.2019, c.18 (C.26:2H-87.1 and C.26:2H-  
26 87.2).

27  
28 9. This act shall take effect 180 days after the date of  
29 enactment.

30  
31

32 STATEMENT

33  
34 This bill requires the Board of Nursing (board) to establish a  
35 dual certification as a certified nurse aide and homemaker-home  
36 health aide. Further, this bill transfers certified nurse aide licensing  
37 authority from the Department of Health (DOH) to the board.

38 Under the bill, the same requirements for the certification of  
39 nurse aides and personal care assistants as are currently in place  
40 under the DOH will continue to apply under the Board of Nursing,  
41 including criminal history record background check requirements  
42 and requirements concerning conditional certification.

43 Under the bill, the board is to prescribe application, education,  
44 and training standards and other requirements as necessary for  
45 obtaining a dual certification as a certified nurse aide and  
46 homemaker-home health aide. The requirements for obtaining a

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- 1 dual certification as a certified nurse aide and a homemaker-home
- 2 health aide are to be lessened for an individual who is certified
- 3 either as a certified nurse aide or as a homemaker-health aide at the
- 4 time he or she applies for dual certification.