

# ASSEMBLY, No. 4325

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED JUNE 20, 2022

**Sponsored by:**

**Assemblywoman PAMELA R. LAMPITT**

**District 6 (Burlington and Camden)**

**Assemblywoman SHAMA A. HAIDER**

**District 37 (Bergen)**

**SYNOPSIS**

Establishes certain requirements and initiatives related to nurses; transfers oversight of certified nurse aides from DOH to Board of Nursing; appropriates \$26.7 million.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 6/29/2022)

A4325 LAMPITT, HAIDER

2

1 AN ACT concerning nurses, revising various parts of the statutory  
2 law, supplementing P.L.2002, c.116, Titles 26, 34, and 45 of the  
3 Revised Statutes, P.L.1947, c.262 (C.45:11-23 et seq.), and Title  
4 54A of the New Jersey Statutes, and making appropriations.

5

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

8

9 1. (New section) The New Jersey Collaborating Center for  
10 Nursing (“NJCCN”) shall establish a program through which  
11 facilities for acute care, long-term care, public health, ambulatory  
12 care, home care and hospice providers, and other qualifying  
13 facilities or providers may apply to receive financial, material and  
14 technical support from the NJCCN to implement a residency  
15 program created in accordance with P.L. , c. (C. ) (pending  
16 before the Legislature as this bill) for licensed practical nurses and  
17 registered professional nurses, or one of these professions.

18

19 2. (New section) a. The NJCCN shall appoint an advisory  
20 committee of stakeholders, which shall organize no later than 60  
21 days after the date of enactment of P.L. , c. (C. ) (pending  
22 before the Legislature as this bill), for consultation to effectuate the  
23 purposes of P.L. , c. (C. ) (pending before the Legislature as  
24 this bill).

25 b. The stakeholders to be appointed by the NJCCN to the  
26 advisory committee shall include at least:

27 (1) two NJCCN representatives;

28 (2) one representative of the New Jersey Board of Nursing who  
29 is either a licensed practical nurse or a registered professional  
30 nurse;

31 (3) one licensed practical nurse or registered professional nurse  
32 who completed a nursing residency program in the State;

33 (4) one licensed practical nurse or registered professional nurse  
34 representing a unionized facility;

35 (5) one faculty member of an associate’s degree program in  
36 nursing located in New Jersey;

37 (6) one faculty member of a bachelor’s degree program in  
38 nursing located in New Jersey;

39 (7) one representative of the New Jersey Hospital Association  
40 who focuses on long-term care;

41 (8) one representative of the Health Care Association of New  
42 Jersey;

43 (9) one representative of the Home Care and Hospice  
44 Association of New Jersey;

**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.**

1 (10)one representative of the New Jersey Association of County  
2 and City Health Officials;

3 (11)one representative of the New Jersey State Nurses  
4 Association; and

5 (12)one representative of the Organization of Nurse Leaders of  
6 New Jersey.

7 c. Notwithstanding the requirements for the membership of the  
8 advisory committee pursuant to subsection b. of this section, the  
9 NJCCN shall have the authority to adjust membership of the  
10 advisory committee upon periodic review of the needs of residency  
11 programs for licensed practical nurses and registered professional  
12 nurses in the State.

13

14 3. (New section) a. Pursuant to section 2 of  
15 P.L. , c. (C. ) (pending before the Legislature as this bill),  
16 the NJCCN shall consult with the advisory committee to:

17 (1) establish and update, as necessary, requirements for a  
18 residency program created in accordance with P.L. , c. (C. )  
19 (pending before the Legislature as this bill). The requirements shall  
20 include, at a minimum:

21 (a) a 12-month timeline for a residency;

22 (b) a full-time schedule for residents;

23 (c) support for residents by a preceptor or mentor; and

24 (d) collection of data by the facility or provider to send to the  
25 NJCCN regarding the number of individuals who completed a  
26 residency program with the facility or provider and remained at the  
27 facility or with the provider after residency completion for full-time  
28 employment; and

29 (2) establish criteria for eligibility of facilities and providers to  
30 participate in the program created in accordance with section 1 of  
31 P.L. , c. (C. ) (pending before the Legislature as this bill).

32 b. To participate in the program, established pursuant to section  
33 1 of P.L. , c. (C. ) (pending before the Legislature as this  
34 bill), a facility or provider shall submit an application, in a form as  
35 determined by the NJCCN in consultation with the advisory  
36 committee, and shall include the following information:

37 (1) the number of spots to be offered in the facility or provider's  
38 residency program;

39 (2) the type of facility or provider seeking approval; and

40 (3) whether the facility or provider's residency program is  
41 newly established or being updated.

42 c. Applications shall be approved on a first-come, first-served  
43 basis, with priority given to long-term care facilities and home care  
44 providers.

45 d. Upon approval of an application, the New Jersey Board of  
46 Nursing shall provide funding to the NJCCN to offer the financial,  
47 material and technical support to the approved facility or provider,  
48 in an amount determined based on various criteria, including, but

1 not limited to, the information submitted in the application pursuant  
2 to paragraphs (1) through (3) of subsection b. of this section.

3 e. At no time shall the New Jersey Board of Nursing allocate  
4 an amount exceeding \$4 million annually to the NJCCN for the  
5 financial, material and technical support to facilities and providers  
6 participating in the program established pursuant to section 1 of  
7 P.L. , c. (C. ) (pending before the Legislature as this bill).

8  
9 4. Section 4 of P.L.2002, c.116 (C.18A:65-92) is amended to  
10 read as follows:

11 4. The board shall:

12 a. determine global policies for the center;

13 b. implement the primary goals of the center as established in  
14 this act;

15 c. appoint a multidisciplinary advisory council to provide input  
16 and advice on policy matters. The advisory council shall include  
17 representatives from all of the organizations represented in the  
18 collaborative of New Jersey Colleagues in Caring;

19 d. appoint a full-time executive director who shall serve at the  
20 pleasure of the board and shall be a person qualified by training and  
21 experience to perform the duties of the office. The board shall  
22 authorize the executive director to employ such other staff as the  
23 executive director deems necessary and within the limits of funds  
24 available to the center. All policies and procedures concerning the  
25 hiring of center employees shall be the same as and consistent with  
26 the applicable policies and procedures of Rutgers, The State  
27 University of New Jersey;

28 e. apply for and accept grants of money available for carrying  
29 out the policies and activities of the center from the federal  
30 government, and accept gifts, grants and bequests of funds from  
31 individuals, foundations, corporations, governmental agencies and  
32 other organizations and institutions to carry out the purposes of this  
33 act;

34 f. establish policies for the appointment of members of the  
35 board; and

36 g. submit a report to the Governor and the Legislature [one  
37 year after the center is established, and] every two years  
38 [thereafter,] on its activities and findings, including, but not limited  
39 to, (1) data on the participation of facilities and providers in the  
40 NJCCN program established pursuant to section 1 of P.L. , c.  
41 (C. ) (pending before the Legislature as this bill); (2) data on  
42 the number of licensed practical nurses and registered professional  
43 nurses participating in a residency program supported by the  
44 NJCCN program established pursuant to section 1 of P.L. , c.  
45 (C. ) (pending before the Legislature as this bill), including  
46 information on the health care settings in which the residencies  
47 were supported; and (3) funds spent in the previous two years on  
48 materials and technical support supplied by the NJCCN to

1 participating facilities and providers. The report may include such  
2 recommendations for legislative action as the board deems  
3 appropriate. The board shall make its **[annual]** biannual report  
4 available to members of the public, upon request.

5 (cf: P.L.2009, c.47, s.3)

6

7 5. Section 4 of P.L.2009, c.47 (C.18A:65-92.1) is amended to  
8 read as follows:

9 4. There is annually appropriated to the New Jersey  
10 Collaborating Center for Nursing in the College of Nursing of  
11 Rutgers, The State University of New Jersey, 5%, or \$515,000,  
12 whichever amount is greater, of the initial and renewal licensing  
13 fees for professional and practical nurses collected by the New  
14 Jersey Board of Nursing each year.

15 (cf: P.L.2009, c.47, s.4)

16

17 6. Section 5 of P.L.2009, c.47 (C.45:11-27.1) is amended to  
18 read as follows:

19 5. a. Of the initial and renewal licensing fees charged by the  
20 New Jersey Board of Nursing pursuant to N.J.A.C.13:37-5.5 for  
21 professional and practical nurses, an amount equal to 5%, or  
22 \$515,000, whichever amount is greater, of the fee shall be dedicated  
23 to funding the New Jersey Collaborating Center for Nursing in the  
24 College of Nursing of Rutgers, The State University of New Jersey.

25 b. The board may, by regulation, revise the fees charged  
26 pursuant to N.J.A.C.13:37-5.5 to account for the loss of revenue to  
27 the board as a result of the dedication of funding pursuant to this  
28 section.

29 (cf: P.L.2009, c.47, s.5)

30

31 7. (New section) a. As used in this section:

32 "Council" means a Nurse Workplace Environment and Staffing  
33 Council established in a hospital pursuant to this section.

34 "Hospital" means a hospital licensed pursuant to P.L.1971, c.136  
35 (C.26:2H-1 et seq.).

36 b. The Department of Health shall require each hospital in this  
37 State to establish a Nurse Workplace Environment and Staffing  
38 Council, either by establishing a new council or assigning the  
39 functions of the council to a similar existing entity within the  
40 hospital. Each council shall be established based on the American  
41 Association of Critical Care Standards for establishing and  
42 sustaining a healthy work environment.

43 c. Each council shall serve the purpose of:

44 (1) providing nurses with representation on matters concerning  
45 the establishment of healthy work environments and human  
46 resource allocation;

47 (2) creating a forum of participatory leadership; and

1 (3) supporting the equal participation of nurses and hospital  
2 management in hospital decisions affecting nurses.

3 d. At least 51 percent of the members of each council shall be  
4 registered nurses who spend at least 50 percent of work time in  
5 direct patient care. Each council shall contain a sufficient number  
6 of members to provide adequate representation of all the nurses  
7 working in the hospital. The selection of the registered nurses shall  
8 be according to the collective bargaining agreement, if one in effect  
9 at the hospital. If there is no applicable collective bargaining  
10 agreement, the members of the council who are registered nurses  
11 shall be selected by their peers. The members of the council who  
12 are hospital administrative staff shall be appointed by each  
13 council's Chief Nursing Officer.

14 e. Participation in the council by a hospital employee shall be  
15 on scheduled work time and compensated at the appropriate rate of  
16 pay. Council members shall be relieved of all other work duties  
17 during meetings of the council.

18 f. Each council shall have a Chief Nursing Officer and a direct  
19 care nurse who shall serve as the co-chairs of the council.

20 g. Each council member shall be required to complete the  
21 curriculum provided by the Organization of Nurse Leaders of New  
22 Jersey Nursing Workplace Environment Commission program or a  
23 similar process defined in a collective bargaining agreement.

24 h. (1) Each council shall develop an annual plan concerning  
25 nurse staffing and the creation of a positive work environment for  
26 nurses within the hospital. The plan shall be based on the needs of  
27 patients and be used as a primary component for budget planning by  
28 the Chief Nursing Officer.

29 (2) The plan shall:

30 (a) not diminish other standards under State or federal law,  
31 rules, or regulations, or the terms of an applicable collective  
32 bargaining agreement, if any, between the hospital and a  
33 representative of the nursing staff; and

34 (b) provide for exemptions for some or all requirements of the  
35 plan during a state of emergency, as defined in section 23 of  
36 P.L.2011, c.19 (C.5:12-45.3), if the hospital is requested or  
37 expected to provide an exceptional level of emergency or other  
38 medical services.

39 (3) The Department of Health shall be responsible for ensuring  
40 that each council is in compliance with the provisions of this  
41 subsection and shall review the plan as necessary.

42

43 8. (New section) a. As used in this section:

44 "Authority" means the New Jersey Economic Development  
45 Authority established by section 4 of P.L.1974, c.80 (C.34:1B-4).

46 "Chief Executive Officer" means the Chief Executive Officer of  
47 the New Jersey Economic Development Authority.

1 “Eligible nursing education program” means an accredited  
2 nursing education program located in the State at a public  
3 institution of higher education, independent institution of higher  
4 education, or hospital-based nursing school.

5 “Program” means the Nursing School Expansion Grant Program  
6 established pursuant to this section.

7 b. There is established the Nursing School Expansion Grant  
8 Program to be administered by the New Jersey Economic  
9 Development Authority. The program shall provide grants to  
10 eligible nursing education programs in the State to increase their  
11 capacity and improve the supply of the nursing workforce.

12 c. An eligible nursing education program may submit an  
13 application for grant funding through the program to the Chief  
14 Executive Officer. An application shall include information and  
15 data, in such form and in such manner as is required by the Chief  
16 Executive Officer, on:

17 (1) the enrollment and graduation rates for the three academic  
18 years preceding the date of the application;

19 (2) the projected plan to increase enrollment and graduation  
20 targets;

21 (3) the demographic profile of current students, faculty, and  
22 staff and specific plans to increase the diversity of the nursing  
23 workforce;

24 (4) any plans for faculty expansions in order to meet the needs  
25 of an increased student body;

26 (5) any partnerships, connections, or pathways between licensed  
27 practical nursing programs, diploma or certificate programs,  
28 associate’s degree programs, baccalaureate degree programs, and  
29 graduate level programs in nursing and nursing education;

30 (6) student pass rates for examinations administered by the  
31 National Council of State Boards of Nursing; and

32 (7) such other information as the Chief Executive Officer may  
33 require.

34 d. The Chief Executive Officer, in consultation with the New  
35 Jersey Collaborating Center for Nursing, shall develop criteria for  
36 the evaluation of applications for grants. Based upon the criteria  
37 developed, and within the limits of available appropriations, the  
38 Chief Executive Officer shall award grants to eligible nursing  
39 education programs in such amounts as the Chief Executive Officer  
40 determines.

41  
42 9. (New section) a. The New Jersey Nursing Emotional Well-  
43 Being Institute (NJ-NEW) in the New Jersey Collaborating Center  
44 for Nursing shall establish a program of services designed to  
45 promote the mental health and well-being of nurses licensed in New  
46 Jersey and their families and prevent the psychological and physical  
47 sequelae of stress. At a minimum, the program shall:

- 1 (1) encourage all health care facilities in the State that employ  
2 nurses to access the NJ-NEW Schwartz Rounds program;
  - 3 (2) work to make virtual Schwartz rounds available to all nurses  
4 in the State on at least a monthly basis;
  - 5 (3) coordinate with nursing associations, mental health  
6 associations, and community organizations to facilitate a Statewide  
7 NJ-NEW well-being hub, which shall comprise learning  
8 collaboratives that offer strategies to prevent work-related stress  
9 from causing physical and emotional symptoms, provide  
10 educational resources, and provide consultation services for health  
11 care organizations in New Jersey to promote emotional well-being  
12 for nurses and their families;
  - 13 (4) provide stress first aid training or establish partnerships with  
14 stress first aid training providers to support health care  
15 organizations in promoting emotional well-being and resiliency for  
16 nurses and their families;
  - 17 (5) establish an online repository of Statewide emotional well-  
18 being and mental health resources and referrals for nurses and their  
19 families; and
  - 20 (6) establish any other evidence-based initiatives that meet the  
21 ongoing emotional well-being and mental health needs of nurses  
22 and their families.
- 23 b. In addition to the amounts appropriated pursuant to section 4  
24 of this act, there shall be annually appropriated from the General  
25 Fund to NJ-NEW such sums as are sufficient to support the  
26 operations of NJ-NEW and the initiatives undertaken by NJ-NEW  
27 pursuant to this act.
- 28
- 29 10. (New section) a. The New Jersey Nursing Emotional Well-  
30 Being Institute (NJ-NEW) in the New Jersey Collaborating Center  
31 for Nursing and the University Behavioral HealthCare of Rutgers,  
32 the State University of New Jersey, or another entity, shall provide  
33 a toll-free nurse-to-nurse peer support helpline, or a similar  
34 helpline.
- 35 b. The helpline shall be accessible 24 hours a day, seven days  
36 per week, and shall respond to calls from nurses and their family  
37 members. The staff of the helpline shall provide counselling and  
38 support to callers, shall seek to identify the nurses and their family  
39 members who should be referred for further support and counseling  
40 services, and shall provide informational resources. The helpline  
41 shall partner with the Statewide NJ-NEW well-being hub  
42 established pursuant to paragraph (3) of subsection a. of section 9 of  
43 this act to provide callers with resources and skill sets to prevent  
44 situations that cause stress and the psychological and physical  
45 sequelae of stress.
- 46 c. The operators of the helpline shall be trained by University  
47 Behavioral Healthcare of Rutgers, the State University of New



1 Jersey and, to the greatest extent possible, shall be current or former  
2 nurses who are:

3 (1) familiar with post-traumatic stress disorder and the  
4 emotional and psychological tensions, depressions, and anxieties  
5 unique to nurses and their family members; or

6 (2) trained to provide counseling services involving marriage  
7 and family life, substance abuse, personal stress management, and  
8 other emotional or psychological disorders or conditions which may  
9 be likely to adversely affect the personal and profession-related  
10 well-being of nurses and their family members.

11 d. The NJ-NEW and University Behavioral HealthCare of  
12 Rutgers, the State University of New Jersey, or another entity, shall  
13 provide for the confidentiality of the names of the callers, the  
14 information discussed, and any referrals for further peer support or  
15 counseling; provided, however, that the NJ-NEW and Rutgers, the  
16 State University of New Jersey, or another entity, may establish  
17 guidelines providing for the tracking of any person who exhibits a  
18 severe emotional or psychological disorder or condition which the  
19 operator handling the call reasonably believes might result in harm  
20 to the nurse, family member, or any other person.

21 e. University Behavioral HealthCare of Rutgers, the State  
22 University of New Jersey, or another entity, shall maintain a list of  
23 credentialed resources and behavioral health care providers  
24 throughout the State, and shall provide case management services to  
25 ensure that nurses and their family members receive ongoing  
26 counseling and a continuum of care in New Jersey. The continuum  
27 of services shall utilize applicable State and federal guidelines  
28 while providing ongoing peer support.

29

30 11. (New section) a. The New Jersey Board of Nursing shall  
31 require each licensed practical nurse, registered nurse, advanced  
32 practice nurse, and homemaker-home health aide licensed or  
33 certified in the State, as a condition of initial licensure or  
34 certification or renewal of a license or certification, to complete a  
35 survey, which survey shall include the following information:

36 (1) the type of license or certificate held by the person and the  
37 status of that license or certificate;

38 (2) the person's demographic information, including age, race,  
39 ethnicity, and gender;

40 (3) the person's educational background;

41 (4) the person's employment status;

42 (5) the person's primary employment setting;

43 (6) the type of position held by the person;

44 (7) in the case of a nurse, whether the nurse is licensed under  
45 the multistate Nurse Licensure Compact and whether, during the  
46 course of the prior year, the nurse provided professional services in  
47 other states under the compact; and

48 (8) such other information as the board may require.

1       b. The New Jersey Board of Nursing shall require each school  
2 that offers a nurse training program, including programs that offer a  
3 diploma, an associate's degree, a baccalaureate degree, or an  
4 advanced degree in nursing as well as licensed practical nursing  
5 programs, and each homemaker-home health aide training program,  
6 to complete an annual survey, no later than July 1 of each year,  
7 which survey shall include the following information:

- 8       (1) the number of applicants rejected by the school or program;
- 9       (2) the total number of available slots at the school or program;
- 10       (3) the total number of qualified candidates who applied for the  
11 school or program;
- 12       (4) the total number of current enrollees in the school or  
13 program;
- 14       (5) graduation rates from the school or program;
- 15       (6) in the case of nursing schools, passage rates for the National  
16 Council Licensure Examination;
- 17       (7) demographic information concerning current students and  
18 faculty, including data concerning age, race, ethnicity, and gender;
- 19       (8) faculty vacancy rates;
- 20       (9) the total number of faculty employed;
- 21       (10) the educational background of faculty members; and
- 22       (11) such other information as the board may require.

23       c. Until the first day of the 19th month next following the  
24 enactment of P.L. , c. (C. ) (pending before the Legislature  
25 as this bill, the Department of Health shall require each certified  
26 nurse aide licensed in the State to complete a survey as a condition  
27 of initial certification or renewal of a certification; thereafter, the  
28 New Jersey Board of Nursing shall require each certified nurse aide  
29 licensed in the State to complete a survey as a condition of initial  
30 certification or renewal of a certification. The survey required  
31 pursuant to this subsection shall include the following information:

- 32       (1) the certification status of the person;
- 33       (2) the person's demographic information, including age, race,  
34 ethnicity, and gender;
- 35       (3) the person's educational background;
- 36       (4) the person's employment status;
- 37       (5) the person's primary employment setting;
- 38       (6) the type of position held by the person; and
- 39       (7) such other information as the department may require.

40       d. Until the first day of the 19th month next following the  
41 enactment of P.L. , c. (C. ) (pending before the Legislature  
42 as this bill, the Department of Health shall require certified nurse  
43 aide training programs to complete an annual survey; thereafter, the  
44 New Jersey Board of Nursing shall require certified nurse aide  
45 training programs to complete an annual survey. The survey  
46 required pursuant to this subsection shall be completed no later than  
47 July 1 of each year, and shall include the following information:

- 48       (1) the number of applicants rejected by the program;

- 1 (2) the total number of available slots at the program;
- 2 (3) the total number of qualified candidates who applied for the
- 3 program;
- 4 (4) the total number of current enrollees in the program;
- 5 (5) graduation rates from the program;
- 6 (6) demographic information concerning current students and
- 7 faculty, including data concerning age, race, ethnicity, and gender;
- 8 (7) faculty vacancy rates;
- 9 (8) the total number of faculty employed;
- 10 (9) the educational background of faculty members; and
- 11 (10) such other information as the department may require.

12 e. (1) The New Jersey Board of Nursing shall develop and  
13 annually review the surveys required pursuant to subsections a. and  
14 b. of this section in collaboration with the New Jersey Collaborating  
15 Center for Nursing.

16 (2) Until the first day of the 19th month next following the  
17 enactment of P.L. , c. (C. ) (pending before the Legislature  
18 as this bill, the Department of Health shall develop and annually  
19 review the surveys required pursuant to subsections c. and d. of this  
20 section in collaboration with the New Jersey Collaborating Center  
21 for Nursing; thereafter the New Jersey Board of Nursing shall  
22 develop and annually review the surveys required pursuant to  
23 subsections c. and d. of this section in collaboration with the New  
24 Jersey Collaborating Center for Nursing.

25 f. (1) The New Jersey Board of Nursing shall ensure  
26 compliance with the survey requirements of subsection a. of this  
27 section, and shall take appropriate disciplinary action against a  
28 nurse or homemaker-home health aide who fails to complete the  
29 annual survey. A survey shall not be deemed complete unless all  
30 survey questions are answered.

31 (2) The New Jersey Collaborating Center for Nursing shall be  
32 responsible for distributing the survey required pursuant to  
33 subsection b. of this section, and, commencing on the first day of  
34 the 19th month next following the effective date of  
35 P.L. , c. (C. ) (pending before the Legislature as this bill),  
36 the survey required pursuant to subsection d. of this section, based  
37 on a list of schools that provide nurse training programs, a list of  
38 homemaker-home health aide training programs, and, commencing  
39 on the first day of the 19th month next following the effective date  
40 of P.L. , c. (C. ) (pending before the Legislature as this  
41 bill), a list of certified nurse aide training programs, which lists  
42 shall be furnished to the New Jersey Collaborating Center for  
43 Nursing by the New Jersey Board of Nursing. The New Jersey  
44 Collaborating Center for Nursing shall notify the New Jersey Board  
45 of Nursing of any school or training program that fails to complete  
46 a survey distributed by the New Jersey Collaborating Center for  
47 Nursing pursuant to this paragraph, and the New Jersey Board of  
48 Nursing shall take appropriate disciplinary action against the school

1 or training program. A survey shall not be deemed complete unless  
2 all survey questions are answered.

3 (3) Until the first day of the 19th month next following the  
4 enactment of P.L. , c. (C. ) (pending before the Legislature  
5 as this bill, the Department of Health shall be responsible for  
6 distributing and ensuring compliance with the survey requirements  
7 set forth in subsections c. and d. of this section, and shall take  
8 appropriate disciplinary action against a certified nurse aide or  
9 certified nurse aide training program that fails to complete the  
10 survey; thereafter, the New Jersey Board of Nursing shall be  
11 responsible for distributing and ensuring compliance with the  
12 survey requirements set forth in subsection c. of this section, and  
13 shall take appropriate disciplinary action against a certified nurse  
14 aide that fails to complete the survey. A survey shall not be deemed  
15 complete unless all survey questions are answered.

16 g. (1) The New Jersey Board of Nursing shall transmit de-  
17 identified survey data collected pursuant to subsection a. of this  
18 section to the New Jersey Collaborating Center for Nursing and,  
19 commencing on the first day of the 19th month next following the  
20 effective date of P.L. , c. (C. ) (pending before the  
21 Legislature as this bill), shall transmit de-identified survey data  
22 collected pursuant to subsection c. of this section to the New Jersey  
23 Collaborating Center for Nursing. The New Jersey Collaborating  
24 Center for Nursing shall analyze data transmitted to it pursuant to  
25 this paragraph and produce an annual aggregate report of the data,  
26 which shall be made available on the websites of the New Jersey  
27 Board of Nursing and the New Jersey Collaborating Center for  
28 Nursing.

29 (2) The New Jersey Collaborating Center for Nursing shall  
30 analyze the survey data collected pursuant to subsection b. of this  
31 section and, commencing on the first day of the 19th month next  
32 following the effective date of P.L. , c. (C. ) (pending  
33 before the Legislature as this bill), the survey data collected  
34 pursuant to subsection d. of this section, and shall produce an  
35 annual aggregate report of the data, which shall be made available  
36 on the Internet websites of the New Jersey Board of Nursing and the  
37 New Jersey Collaborating Center for Nursing.

38 (3) Until the first day of the 19th month next following the  
39 enactment of P.L. , c. (C. ) (pending before the Legislature  
40 as this bill, the Department of Health shall analyze the survey data  
41 collected pursuant to subsections c. and d. of this section and shall  
42 produce an annual aggregate report of the data, which shall be made  
43 available on the Internet websites of the department and the New  
44 Jersey Collaborating Center for Nursing. Until the first day of the  
45 19th month next following the enactment of P.L. , c. (C. )  
46 (pending before the Legislature as this bill, the department may  
47 contract with the New Jersey Collaborating Center for Nursing to  
48 analyze the survey data and produce the annual aggregate report

1 required pursuant to this paragraph, in which case the department  
2 shall provide the New Jersey Collaborating Center for Nursing with  
3 five percent of the total certified nurse aide certification fees  
4 collected for the current reporting period. The New Jersey  
5 Collaborating Center for Nursing may not charge the department  
6 any additional compensation for analyzing the survey data and  
7 producing the aggregate report above the fee authorized under this  
8 paragraph.

9  
10 12. Section 2 of P.L.2005, c.83 (C.26:2H-12.2b) is amended to  
11 read as follows:

12 2. a. A health care entity shall notify the division in writing if  
13 a health care professional who is employed by, under contract to  
14 render professional services to, or has privileges granted by, that  
15 health care entity, or who provides such services pursuant to an  
16 agreement with a health care services firm or staffing registry:

17 (1) for reasons relating to the health care professional's  
18 impairment, incompetency, or professional misconduct, which  
19 incompetency or professional misconduct relates adversely to  
20 patient care or safety: (a) has full or partial privileges summarily or  
21 temporarily revoked or suspended, or permanently reduced,  
22 suspended, or revoked; (b) has been removed from the list of  
23 eligible employees of a health services firm or staffing registry; (c)  
24 has been discharged from the staff; or (d) has had a contract to  
25 render professional services terminated or rescinded;

26 (2) has conditions or limitations placed on the exercise of  
27 clinical privileges or practice within the health care entity for  
28 reasons relating to the health care professional's impairment,  
29 incompetency, or professional misconduct or, which incompetency  
30 or professional misconduct relates adversely to patient care or  
31 safety, including, but not limited to, second opinion requirements,  
32 non-routine concurrent or retrospective review of admissions or  
33 care, non-routine supervision by one or more members of the staff,  
34 or the completion of remedial education or training;

35 (3) voluntarily resigns from the staff if: (a) the health care entity  
36 is reviewing the health care professional's patient care or reviewing  
37 whether, based upon its reasonable belief, the health care  
38 professional's conduct demonstrates an impairment or incompetence  
39 or is unprofessional, which incompetence or unprofessional conduct  
40 relates adversely to patient care or safety; or (b) the health care  
41 entity, through any member of the medical or administrative staff,  
42 has expressed an intention to do such a review;

43 (4) voluntarily relinquishes any partial privilege or authorization  
44 to perform a specific procedure if: (a) the health care entity is  
45 reviewing the health care professional's patient care or reviewing  
46 whether, based upon its reasonable belief, the health care  
47 professional's conduct demonstrates an impairment or incompetence  
48 or is unprofessional, which incompetence or unprofessional conduct

1 relates adversely to patient care or safety; or (b) the health care  
2 entity, through any member of the medical or administrative staff,  
3 has expressed an intention to do such a review;

4 (5) while under, or subsequent to, a review by the health care  
5 entity of the health care professional's patient care or professional  
6 conduct is granted a leave of absence for reasons relating to a  
7 physical, mental, or emotional condition or drug or alcohol use  
8 which impairs the health care professional's ability to practice with  
9 reasonable skill and safety, except that no report is required for  
10 pregnancy-related leaves of absence or if the health care  
11 professional has sought assistance from a professional assistance or  
12 intervention program approved or designated by the division or a  
13 board to provide confidential oversight of the health care  
14 professional and is following the treatment regimen or monitoring  
15 as that program requires; or

16 (6) is a party to a medical malpractice liability suit, to which the  
17 health care entity is also a party, and in which there is a settlement,  
18 judgment, or arbitration award.

19 As used in this subsection, incompetence, professional  
20 misconduct, and unprofessional conduct shall not include personal  
21 conduct, such as tardiness, insubordination, or other similar  
22 behavior, which does not relate to patient care or safety.

23 b. A health care entity shall notify the division in writing if it is  
24 in possession of information that indicates that a health care  
25 professional has failed to comply with a request to seek assistance  
26 from a professional assistance or intervention program approved or  
27 designated by the division or a board to provide confidential  
28 oversight of the health care professional, or has failed to follow the  
29 treatment regimen or monitoring program required by that program  
30 to assure that the health care professional's physical, mental, or  
31 emotional condition or drug or alcohol use does not impair the  
32 health care professional's ability to practice with reasonable skill  
33 and safety.

34 c. A health care entity shall notify the division in writing if any  
35 health care professional who has been the subject of a report  
36 pursuant to this section, has had conditions or limitations on the  
37 exercise of clinical privileges or practice within the health care  
38 entity altered, or privileges restored, or has resumed exercising  
39 clinical privileges that had been voluntarily relinquished.

40 d. In the case of a health care professional who is providing  
41 services at a health care entity pursuant to an agreement with a  
42 health care services firm or staffing agency and is the subject of a  
43 notice pursuant to this section, the health care entity shall, when it  
44 submits a notice to the division concerning that health care  
45 professional, provide a copy of the notice to the health care services  
46 firm or staffing agency.

47 e. The form of notification shall be prescribed by the  
48 Commissioner of Health, in consultation with the Commissioner of

1 Human Services in the case of psychiatric facilities and  
2 developmental centers, and shall contain such information as may  
3 be required by the division and shall be made within seven days of  
4 the date of the action, settlement, judgment, or award.

5 f. A health care entity which fails to provide such notice to the  
6 division or fails to cooperate with a request for information by the  
7 division, the board or the Medical Practitioner Review Panel  
8 established pursuant to section 8 of P.L.1989, c.300 (C.45:9-19.8)  
9 shall be subject to such penalties as the Department of Health may  
10 determine pursuant to sections 13 and 14 of P.L.1971, c.136  
11 (C.26:2H-13 and 26:2H-14).

12 g. A health care entity, or any employee thereof, which  
13 provides information to the division, the board, the Medical  
14 Practitioner Review Panel, a health care services firm or staffing  
15 agency, or the Department of Health, in good faith and without  
16 malice, regarding a health care professional pursuant to the  
17 provisions of this section or section 3 of P.L.1989, c.300 (C.26:2H-  
18 12.2a), is not liable for civil damages in any cause of action arising  
19 out of the provision or reporting of the information.

20 h. A health care entity shall provide the health care  
21 professional who is the subject of a notice pursuant to paragraphs  
22 (1), (2), (4), and (5) of subsection a. of this section and subsection  
23 c. of this section with a copy of the notice provided to the division,  
24 when the health care entity submits the notice to the division.

25 i. For the purposes of this section, section 3 of P.L.1989, c.300  
26 (C.26:2H-12.2a) and section 15 of P.L.2005, c.83 (C.26:2H-12.2c):

27 "Board" means a professional and occupational licensing board  
28 within the Division of Consumer Affairs in the Department of Law  
29 and Public Safety which licenses or otherwise authorizes a health  
30 care professional to practice a health care profession.

31 "Division" means the Division of Consumer Affairs in the  
32 Department of Law and Public Safety.

33 "Health care entity" means a health care facility licensed  
34 pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), a health  
35 maintenance organization authorized to operate pursuant to  
36 P.L.1973, c.337 (C.26:2J-1 et seq.), a carrier which offers a  
37 managed care plan regulated pursuant to P.L.1997, c.192 (C.26:2S-  
38 1 et seq.), a State or county psychiatric hospital, a State  
39 developmental center, a staffing registry, and a home care services  
40 agency as defined in section 1 of P.L.1947, c.262 (C.45:11-23).

41 "Health care professional" means a person licensed or otherwise  
42 authorized pursuant to Title 45 or Title 52 of the Revised Statutes to  
43 practice a health care profession that is regulated by the Director of  
44 the Division of Consumer Affairs or by one of the following boards:  
45 the State Board of Medical Examiners, the New Jersey Board of  
46 Nursing, the New Jersey State Board of Dentistry, the New Jersey  
47 State Board of Optometrists, the New Jersey State Board of  
48 Pharmacy, the State Board of Chiropractic Examiners, the

1 Acupuncture Examining Board, the State Board of Physical  
2 Therapy, the State Board of Respiratory Care, the Orthotics and  
3 Prosthetics Board of Examiners, the State Board of Psychological  
4 Examiners, the State Board of Social Work Examiners, the State  
5 Board of Veterinary Medical Examiners, the State Board of  
6 Examiners of Ophthalmic Dispensers and Ophthalmic Technicians,  
7 the Audiology and Speech-Language Pathology Advisory  
8 Committee, the State Board of Marriage and Family Therapy  
9 Examiners, the Occupational Therapy Advisory Council and the  
10 Certified Psychoanalysts Advisory Committee. "Health care  
11 professional" also includes **[a nurse aide and]** a personal care  
12 assistant certified by the Department of Health.  
13 (cf: P.L.2012, c.17, s.179)  
14

15 13. Section 2 of P.L.1997, c.100 (C.26:2H-83) is amended to  
16 read as follows:

17 2. a. The Department of Health shall not issue a **[nurse aide**  
18 **or]** personal care assistant certification to any applicant, except on a  
19 conditional basis as provided for in subsection d. of section 3 of  
20 P.L.1997, c.100 (C.26:2H-84), unless the Commissioner of Health  
21 first determines, consistent with the requirements of sections 2  
22 through 6 of P.L.1997, c.100 (C.26:2H-83 through 87), that no  
23 criminal history record information exists on file in the Federal  
24 Bureau of Investigation, Identification Division, or in the State  
25 Bureau of Identification in the Division of State Police, which  
26 would disqualify that person from being certified. A **[nurse aide or]**  
27 personal care assistant certified by the department prior to the  
28 effective date of P.L.2000, c.20 upon whom a criminal history  
29 record background check has not been conducted pursuant to  
30 sections 2 through 6 of P.L.1997, c.100 (C.26:2H-83 through 87),  
31 shall be required to undergo that criminal history record background  
32 check as a condition of that individual's initial recertification  
33 following the effective date of P.L.2000, c.20.

34 In addition, a follow-up criminal history record background  
35 check of federal records shall be conducted at least once every two  
36 years as a condition of recertification for every certified **[nurse aide**  
37 **and]** personal care assistant; except that the commissioner, in lieu  
38 of conducting follow-up criminal history record background checks  
39 for purposes of recertification, may provide for an alternative means  
40 of determining whether a certified **[nurse aide or]** personal care  
41 assistant has been convicted of a crime or disorderly persons  
42 offense which would disqualify that person from certification,  
43 including, but not limited to, a match of a person's Social Security  
44 number or other identifying information with records of criminal  
45 proceedings in this and other states. If the commissioner elects to  
46 implement this alternative means of determining whether a certified  
47 **[nurse aide or]** personal care assistant has been convicted of a  
48 crime or disorderly persons offense which would disqualify that



1 person from certification, the commissioner shall report to the  
2 Governor and the Legislature prior to its implementation on the  
3 projected costs and procedures to be followed with respect to its  
4 implementation and setting forth the rationale therefor.

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

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

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

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

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

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

22 (2) In any other state or jurisdiction, of conduct which, if  
23 committed in New Jersey, would constitute any of the crimes or  
24 disorderly persons offenses described in paragraph (1) of this  
25 subsection.

26 b. Notwithstanding the provisions of subsection a. of this  
27 section, no person shall be disqualified from certification on the  
28 basis of any conviction disclosed by a criminal history record  
29 background check performed pursuant to sections 2 through 6 and  
30 section 14 of P.L.1997, c.100 (C.26:2H-83 through 87 and C.53:1-  
31 20.9a) if the person has affirmatively demonstrated to the  
32 Commissioner of Health clear and convincing evidence of the  
33 person's rehabilitation. In determining whether a person has  
34 affirmatively demonstrated rehabilitation, the following factors  
35 shall be considered:

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

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

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

41 (4) the date of the offense;

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

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

44 (7) any social conditions which may have contributed to the  
45 offense; and

46 (8) any evidence of rehabilitation, including good conduct in  
47 prison or in the community, counseling or psychiatric treatment  
48 received, acquisition of additional academic or vocational

1 schooling, successful participation in correctional work-release  
2 programs, or the recommendation of those who have had the person  
3 under their supervision.

4 c. If a person subject to the provisions of sections 2 through 6  
5 of P.L.1997, c.100 (C.26:2H-83 through 87) refuses to consent to,  
6 or cooperate in, the securing of a criminal history record  
7 background check, the commissioner shall, as applicable:

8 (1) not issue a **【nurse aide or】** personal care assistant  
9 certification and shall notify the applicant, and the applicant's  
10 employer if the applicant is conditionally employed as provided in  
11 subsection d. of section 3 of P.L.1997, c.100 (C.26:2H-84) or the  
12 applicant's prospective employer if known, of that denial; or

13 (2) revoke the person's current **【nurse aide or】** personal care  
14 assistant certification and notify the person, and the person's  
15 employer, if known, of that revocation.

16 (cf: P.L.2012, c.17, s.240)

17

18 14. Section 3 of P.L.1997, c.100 (C.26:2H-84) is amended to  
19 read as follows:

20 3. a. An applicant for certification, or a certified **【nurse aide**  
21 **or】** personal care assistant who is required to undergo a criminal  
22 history record background check pursuant to section 2 of P.L.1997,  
23 c.100 (C.26:2H-83), shall submit to the Commissioner of Health  
24 that individual's name, address, and fingerprints taken on standard  
25 fingerprint cards by a State or municipal law enforcement agency.  
26 The commissioner is authorized to exchange fingerprint data with  
27 and receive criminal history record information from the Federal  
28 Bureau of Investigation and the Division of State Police for use in  
29 making the determinations required by sections 2 through 6 of  
30 P.L.1997, c.100 (C.26:2H-83 through 87).

31 b. Upon receipt of the criminal history record information for a  
32 person from the Federal Bureau of Investigation or the Division of  
33 State Police, the commissioner shall immediately notify, in writing,  
34 the applicant, and the applicant's employer if the applicant is  
35 conditionally employed as provided in subsection d. of this section  
36 or the applicant's prospective employer if known, or a certified  
37 **【nurse aide or】** personal care assistant who is required to undergo a  
38 criminal history record background check pursuant to section 2 of  
39 P.L.1997, c.100 (C.26:2H-83) and that person's employer, as  
40 applicable, of the person's qualification or disqualification for  
41 certification under sections 2 through 6 of P.L.1997, c.100  
42 (C.26:2H-83 through 87). If the person is disqualified, the  
43 conviction or convictions which constitute the basis for the  
44 disqualification shall be identified in the notice to the person, but  
45 shall not be identified in the notice to the person's employer or  
46 prospective employer.

47 c. The person who is the subject of the background check shall  
48 have 30 days from the date of the written notice of disqualification

1 to petition the commissioner for a hearing on the accuracy of the  
2 person's criminal history record information or to establish the  
3 person's rehabilitation under subsection b. of section 2 of P.L.1997,  
4 c.100 (C.26:2H-83). The commissioner shall notify the person's  
5 employer or prospective employer of the person's petition for a  
6 hearing within five days following the receipt of the petition from  
7 the person. Upon the issuance of a final decision upon a petition to  
8 the commissioner pursuant to this subsection, the commissioner  
9 shall notify the person and the person's employer or prospective  
10 employer as to whether the person remains disqualified from  
11 certification under sections 2 through 6 of P.L.1997, c.100  
12 (C.26:2H-83 through 87).

13 d. An applicant for certification may be issued conditional  
14 certification and may be employed as **[a nurse aide or]** a personal  
15 care assistant conditionally for a period not to exceed 60 days,  
16 pending completion of a criminal history record background check  
17 required under sections 2 through 6 of P.L.1997, c.100 (C.26:2H-83  
18 through 87) by the Division of State Police in the Department of  
19 Law and Public Safety based upon an examination of its own files  
20 in accordance with section 14 of P.L.1997, c.100 (C.53:1-20.9a),  
21 and for an additional period not to exceed 60 days pending  
22 completion of a criminal history record background check by  
23 federal authorities as arranged for by the Division of State Police  
24 pursuant to section 14 of P.L.1997, c.100 (C.53:1-20.9a), if the  
25 person submits to the commissioner a sworn statement attesting that  
26 the person has not been convicted of any crime or disorderly  
27 persons offense as described in section 2 of P.L.1997, c.100  
28 (C.26:2H-83). A person who submits a false sworn statement shall  
29 be disqualified from certification as **[a nurse aide or]** a personal  
30 care assistant, as the case may be, and shall not have an opportunity  
31 to establish rehabilitation pursuant to subsection b. of section 2 of  
32 P.L.1997, c.100 (C.26:2H-83).

33 A conditionally employed person, or an employed person  
34 certified as **[a nurse aide or]** a personal care assistant, who disputes  
35 the accuracy of the criminal history record information and who  
36 files a petition requesting a hearing pursuant to subsection c. of this  
37 section may remain employed by that person's employer until the  
38 commissioner rules on the person's petition but, pending the  
39 commissioner's ruling, the employer shall not permit the person to  
40 have unsupervised contact with patients, residents, or clients, as the  
41 case may be, who are 60 years of age or older.

42 e. (1) A licensed health care facility or other entity that has  
43 received an application from or conditionally employs an applicant  
44 for **[nurse aide or]** personal care assistant certification, or employs  
45 a certified **[nurse aide or]** personal care assistant, and:

46 (a) receives notice from the Commissioner of Health that the  
47 applicant or certified **[nurse aide or]** personal care assistant, as  
48 applicable, has been determined by the commissioner to be

1 disqualified from certification as a [nurse aide or] personal care  
2 assistant pursuant to sections 2 through 6 of P.L.1997, c.100  
3 (C.26:2H-83 through 87); or

4 (b) terminates its employment of a conditionally employed  
5 applicant for [nurse aide or] personal care assistant certification or  
6 a certified [nurse aide or] personal care assistant because the  
7 person was disqualified from employment at the health care facility  
8 or other entity on the basis of a conviction of a crime or disorderly  
9 persons offense as described in section 2 of P.L.1997, c.100  
10 (C.26:2H-83) after commencing employment at the health care  
11 facility or other entity;

12 shall be immune from liability for disclosing that disqualification  
13 or termination in good faith to another licensed health care facility  
14 or other entity that is qualified by statute or regulation to employ  
15 the person as a [nurse aide or] personal care assistant.

16 (2) A licensed health care facility or other entity which discloses  
17 information pursuant to paragraph (1) of this subsection shall be  
18 presumed to be acting in good faith unless it is shown by clear and  
19 convincing evidence that the health care facility or other entity  
20 acted with actual malice toward the person who is the subject of the  
21 information.

22 f. (1) A licensed health care facility or other entity, upon  
23 receiving notice from the Commissioner of Health that a person  
24 employed by it as a [nurse aide or] personal care assistant,  
25 including a conditionally employed person, has been convicted of a  
26 crime or disorderly persons offense as described in section 2 of  
27 P.L.1997, c.100 (C.26:2H-83) after commencing employment at the  
28 health care facility or other entity, shall:

29 (a) immediately terminate the person's employment as a [nurse  
30 aide or] personal care assistant; and

31 (b) report information about the termination to the  
32 Commissioner of Health in a manner prescribed by the  
33 commissioner, who shall thereupon deem the person to be  
34 disqualified from certification as a [nurse aide or] personal care  
35 assistant, subject to the provisions of paragraph (3) of this  
36 subsection.

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

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

1 a **【nurse aide or】** personal care assistant. The commissioner shall  
2 notify the person's employer of the person's petition for a hearing  
3 within five days following the receipt of the petition from the  
4 person. Upon the issuance of a final decision upon a petition to the  
5 commissioner pursuant to this paragraph, the commissioner shall  
6 notify the person and the person's employer as to whether:

7 (a) the person is to be reinstated in the person's employment as a  
8 **【nurse aide or】** personal care assistant and retain the person's  
9 certification; or

10 (b) the person's termination from employment as a **【nurse aide**  
11 **or】** personal care assistant stands and the person remains  
12 disqualified from certification.

13 g. The commissioner shall provide for a registry of all persons  
14 who have successfully completed all training and competency  
15 evaluation requirements for certification as a **【nurse aide or】**  
16 personal care assistant and shall provide for the inclusion in the  
17 registry of information about the disqualification of any person  
18 from certification pursuant to sections 2 through 6 of P.L.1997,  
19 c.100 (C.26:2H-83 through 87); for which purposes, the  
20 commissioner may use an existing registry established pursuant to  
21 statute or regulation, subject to the requirements of federal law.  
22 The registry shall include the specific documented findings  
23 constituting the basis for that disqualification, except that the  
24 information shall indicate that the person was convicted of a crime  
25 or disorderly persons offense as described in section 2 of P.L.1997,  
26 c.100 (C.26:2H-83), but shall not identify the conviction or  
27 convictions which constitute the basis for the disqualification.

28 (cf: P.L.2012, c.17, s.241)

29

30 15. Section 4 of P.L.1997, c.100 (C.26:2H-85) is amended to  
31 read as follows:

32 4. The Department of Health shall assume the cost of the  
33 criminal history record background check conducted on an  
34 applicant for **【nurse aide or】** personal care assistant certification, or  
35 a certified **【nurse aide or】** personal care assistant, as the case may  
36 be, pursuant to sections 2 through 6 and section 14 of P.L.1997,  
37 c.100 (C.26:2H-83 through 87 and C.53:1-20.9a).

38 (cf: P.L.2012, c.17, s.242)

39

40 16. Section 1 of P.L.2002, c.104 (C.45:1-28) is amended to read  
41 as follows:

42 1. As used in this act:

43 "Applicant" means an applicant for the licensure or other  
44 authorization to engage in a health care profession.

45 "Board" means a professional and occupational licensing board  
46 within the Division of Consumer Affairs in the Department of Law  
47 and Public Safety.

1 "Director" means the Director of the Division of Consumer  
2 Affairs in the Department of Law and Public Safety.

3 "Division" means the Division of Consumer Affairs in the  
4 Department of Law and Public Safety.

5 "Health care professional" means a health care professional who  
6 is licensed or otherwise authorized, pursuant to Title 45 or Title 52  
7 of the Revised Statutes, to practice a health care profession that is  
8 regulated by one of the following boards or by the Director of the  
9 Division of Consumer Affairs: the State Board of Medical  
10 Examiners, the New Jersey Board of Nursing, the New Jersey State  
11 Board of Dentistry, the New Jersey State Board of Optometrists, the  
12 New Jersey State Board of Pharmacy, the State Board of  
13 Chiropractic Examiners, the Acupuncture Examining Board, the  
14 State Board of Physical Therapy, the State Board of Respiratory  
15 Care, the Orthotics and Prosthetics Board of Examiners, the State  
16 Board of Psychological Examiners, the State Board of Social Work  
17 Examiners, the State Board of Veterinary Medical Examiners, the  
18 State Board of Examiners of Ophthalmic Dispensers and  
19 Ophthalmic Technicians, the Audiology and Speech-Language  
20 Pathology Advisory Committee, the State Board of Marriage and  
21 Family Therapy Examiners, the Occupational Therapy Advisory  
22 Council, the Certified Psychoanalysts Advisory Committee or the  
23 State Board of Polysomnography.

24 Health care professional shall not include a **[nurse aide or]**  
25 personal care assistant who is required to undergo a criminal history  
26 record background check pursuant to section 2 of P.L.1997, c.100  
27 (C.26:2H-83) **[or]** , a homemaker-home health aide who is required  
28 to undergo a criminal history record background check pursuant to  
29 section 7 of P.L.1997, c.100 (C.45:11-24.3) or a certified nurse aide  
30 who is required to undergo a criminal history record background  
31 check pursuant to sections 19 and 20 of P.L. , c. (C. )  
32 (pending before the Legislature as this bill).

33 "Licensee" means an individual who has been issued a license or  
34 other authorization to practice a health care profession.  
35 (cf: P.L.2005, c.244, s.17)

36  
37 17. Section 2 of P.L.1993, c.249 (C.52:27D-407) is amended to  
38 read as follows:

39 2. As used in this act:

40 "Abuse" means the willful infliction of physical pain, injury or  
41 mental anguish, unreasonable confinement, or the willful  
42 deprivation of services which are necessary to maintain a person's  
43 physical and mental health.

44 "Caretaker" means a person who has assumed the responsibility  
45 for the care of a vulnerable adult as a result of family relationship or  
46 who has assumed responsibility for the care of a vulnerable adult  
47 voluntarily, by contract, or by order of a court of competent  
48 jurisdiction, whether or not they reside together.

1 "Commissioner" means the Commissioner of Human Services.

2 "Community setting" means a private residence or any  
3 noninstitutional setting in which a person may reside alone or with  
4 others, but shall not include residential health care facilities,  
5 rooming houses or boarding homes or any other facility or living  
6 arrangement subject to licensure by, operated by, or under contract  
7 with, a State department or agency.

8 "County adult protective services provider" means a county  
9 Board of Social Services or other public or nonprofit agency with  
10 experience as a New Jersey provider of protective services for  
11 adults, designated by the county and approved by the commissioner.  
12 The county adult protective services provider receives reports made  
13 pursuant to this act, maintains pertinent records and provides,  
14 arranges, or recommends protective services.

15 "County director" means the director of a county adult protective  
16 services provider.

17 "Department" means the Department of Human Services.

18 "Emergency medical technician" means a person trained in basic  
19 life support services as defined in section 1 of P.L.1985, c.351  
20 (C.26:2K-21) and who is certified by the Department of Health to  
21 provide that level of care.

22 "Exploitation" means the act or process of illegally or improperly  
23 using a person or his resources for another person's profit or  
24 advantage.

25 "Firefighter" means a paid or volunteer firefighter.

26 "Health care professional" means a health care professional who  
27 is licensed or otherwise authorized, pursuant to Title 45 or Title 52  
28 of the Revised Statutes, to practice a health care profession that is  
29 regulated by one of the following boards or by the Director of the  
30 Division of Consumer Affairs: the State Board of Medical  
31 Examiners, the New Jersey Board of Nursing, the New Jersey State  
32 Board of Dentistry, the New Jersey State Board of Optometrists, the  
33 New Jersey State Board of Pharmacy, the State Board of  
34 Chiropractic Examiners, the Acupuncture Examining Board, the  
35 State Board of Physical Therapy, the State Board of Respiratory  
36 Care, the Orthotics and Prosthetics Board of Examiners, the State  
37 Board of Psychological Examiners, the State Board of Social Work  
38 Examiners, the State Board of Examiners of Ophthalmic Dispensers  
39 and Ophthalmic Technicians, the Audiology and Speech-Language  
40 Pathology Advisory Committee, the State Board of Marriage and  
41 Family Therapy Examiners, the Occupational Therapy Advisory  
42 Council, the Certified Psychoanalysts Advisory Committee, and the  
43 State Board of Polysomnography. "Health care professional" also  
44 means a [nurse aide or] personal care assistant who is certified by  
45 the Department of Health.

46 "Neglect" means an act or failure to act by a vulnerable adult or  
47 his caretaker which results in the inadequate provision of care or  
48 services necessary to maintain the physical and mental health of the

1 vulnerable adult, and which places the vulnerable adult in a  
2 situation which can result in serious injury or which is life-  
3 threatening.

4 "Protective services" means voluntary or court-ordered social,  
5 legal, financial, medical or psychiatric services necessary to  
6 safeguard a vulnerable adult's rights and resources, and to protect a  
7 vulnerable adult from abuse, neglect or exploitation. Protective  
8 services include, but are not limited to: evaluating the need for  
9 services, providing or arranging for appropriate services, obtaining  
10 financial benefits to which a person is entitled, and arranging for  
11 guardianship and other legal actions.

12 "Vulnerable adult" means a person 18 years of age or older who  
13 resides in a community setting and who, because of a physical or  
14 mental illness, disability or deficiency, lacks sufficient  
15 understanding or capacity to make, communicate, or carry out  
16 decisions concerning his well-being and is the subject of abuse,  
17 neglect or exploitation. A person shall not be deemed to be the  
18 subject of abuse, neglect or exploitation or in need of protective  
19 services for the sole reason that the person is being furnished  
20 nonmedical remedial treatment by spiritual means through prayer  
21 alone or in accordance with a recognized religious method of  
22 healing in lieu of medical treatment, and in accordance with the  
23 tenets and practices of the person's established religious tradition.

24 (cf: P.L.2012, c.17, c.424)

25

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

28 14. a. In accordance with the provisions of sections 2 through 6  
29 and sections 7 through 13 of P.L.1997, c.100 (C.26:2H-83 through  
30 87 and C.45:11-24.3 through 24.9) and P.L.2002, c.104 (C.45:1-28  
31 et al.), the Division of State Police in the Department of Law and  
32 Public Safety shall conduct a criminal history record background  
33 check, including a name and fingerprint identification check, of:

34 (1) each applicant for **【nurse aide or】** personal care assistant  
35 certification submitted to the Department of Health **【and Senior**  
36 **Services】** and of each applicant for homemaker-home health aide  
37 and nurse aide submitted to the New Jersey Board of Nursing in the  
38 Division of Consumer Affairs;

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

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



1        b. For the purpose of conducting a criminal history record  
2 background check pursuant to subsection a. of this section, the  
3 Division of State Police shall examine its own files and arrange for  
4 a similar examination by federal authorities. The division shall  
5 immediately forward the information obtained as a result of  
6 conducting the check to: the Commissioner of Health **[and Senior**  
7 **Services]**, in the case of an applicant for **[nurse aide or]** personal  
8 care assistant certification or a certified **[nurse aide or]** personal  
9 care assistant; the New Jersey Board of Nursing in the Division of  
10 Consumer Affairs in the Department of Law and Public Safety, in  
11 the case of an applicant for homemaker-home health aide or nurse  
12 aide certification or a certified homemaker-home health aide or  
13 nurse aide; and the Director of the Division of Consumer Affairs in  
14 the Department of Law and Public Safety, in the case of an  
15 applicant for licensure or other authorization to practice as a health  
16 care professional as defined in section 1 of P.L.2002, c.104 (C.45:1-  
17 28).

18 (cf: P.L.2002, c.104, s.5)

19

20        19. (New section) a. The New Jersey Board of Nursing shall  
21 not issue a nurse aide certification to any applicant, except on a  
22 conditional basis as provided for in subsection d. of section 20 of  
23 P.L. , c. (C. ) (pending before the Legislature as this bill),  
24 unless the board first determines, consistent with the requirements  
25 of sections 19 through 22 of P.L. , c. (C. ) (pending before  
26 the Legislature as this bill), that no criminal history record  
27 information exists on file in the Federal Bureau of Investigation,  
28 Identification Division, or in the State Bureau of Identification in  
29 the Division of State Police, which would disqualify that person  
30 from being certified.

31        In addition, a follow-up criminal history record background  
32 check of federal records shall be conducted at least once every two  
33 years as a condition of recertification for every certified nurse aide;  
34 except that the board, in lieu of conducting follow-up criminal  
35 history record background checks for purposes of recertification,  
36 may provide for an alternative means of determining whether a  
37 certified nurse aide has been convicted of a crime or disorderly  
38 persons offense which would disqualify that person from  
39 certification, including, but not limited to, a match of a person's  
40 Social Security number or other identifying information with  
41 records of criminal proceedings in this and other states. If the board  
42 elects to implement this alternative means of determining whether a  
43 certified nurse aide has been convicted of a crime or disorderly  
44 persons offense which would disqualify that person from  
45 certification, the board shall report to the Governor and the  
46 Legislature prior to its implementation on the projected costs and  
47 procedures to be followed with respect to its implementation and  
48 setting forth the rationale therefor.

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

- 4 (1) In New Jersey, any crime or disorderly persons offense:  
5 (a) involving danger to the person, meaning those crimes and  
6 disorderly persons offenses set forth in N.J.S.2C:11-1 et seq.,  
7 N.J.S.2C:12-1 et seq., N.J.S.2C:13-1 et seq., N.J.S.2C:14-1 et seq.  
8 or N.J.S.2C:15-1 et seq.; or  
9 (b) against the family, children, or incompetents, meaning those  
10 crimes and disorderly persons offenses set forth in N.J.S.2C:24-1 et  
11 seq.; or  
12 (c) involving theft as set forth in chapter 20 of Title 2C of the  
13 New Jersey Statutes; or  
14 (d) involving any controlled dangerous substance or controlled  
15 substance analog as set forth in chapter 35 of Title 2C of the New  
16 Jersey Statutes except paragraph (4) of subsection a. of  
17 N.J.S.2C:35-10.

18 (2) In any other state or jurisdiction, of conduct which, if  
19 committed in New Jersey, would constitute any of the crimes or  
20 disorderly persons offenses described in paragraph (1) of this  
21 subsection.

22 b. Notwithstanding the provisions of subsection a. of this  
23 section, no person shall be disqualified from certification on the  
24 basis of any conviction disclosed by a criminal history record  
25 background check performed pursuant to sections 19 through 22 of  
26 P.L. , c. (C. ) (pending before the Legislature as this bill)  
27 and section 14 of P.L.1997, c.100 (C.53:1-20.9a) if the person has  
28 affirmatively demonstrated to the board clear and convincing  
29 evidence of the person's rehabilitation. In determining whether a  
30 person has affirmatively demonstrated rehabilitation, the following  
31 factors shall be considered:

- 32 (1) the nature and responsibility of the position which the  
33 convicted person would hold, has held or currently holds, as the  
34 case may be;  
35 (2) the nature and seriousness of the offense;  
36 (3) the circumstances under which the offense occurred;  
37 (4) the date of the offense;  
38 (5) the age of the person when the offense was committed;  
39 (6) whether the offense was an isolated or repeated incident;  
40 (7) any social conditions which may have contributed to the  
41 offense; and  
42 (8) any evidence of rehabilitation, including good conduct in  
43 prison or in the community, counseling or psychiatric treatment  
44 received, acquisition of additional academic or vocational  
45 schooling, successful participation in correctional work-release  
46 programs, or the recommendation of those who have had the person  
47 under their supervision.

1 c. If a person subject to the provisions of sections 19 through  
2 22 of P.L. , c. (C. ) (pending before the Legislature as this  
3 bill) refuses to consent to, or cooperate in, the securing of a  
4 criminal history record background check, the board shall, as  
5 applicable:

6 (1) not issue a nurse aide certification and shall notify the  
7 applicant, and the applicant's employer if the applicant is  
8 conditionally employed as provided in subsection d. of section 20 of  
9 P.L. , c. (C. ) (pending before the Legislature as this bill)  
10 or the applicant's prospective employer if known, of that denial; or

11 (2) revoke the person's current nurse aide certification and  
12 notify the person, and the person's employer, if known, of that  
13 revocation.

14

15 20. (New section) a. An applicant for certification, or a  
16 certified nurse aide who is required to undergo a criminal history  
17 record background check pursuant to section 19 of  
18 P.L. , c. (C. ) (pending before the Legislature as this bill),  
19 shall submit to the board that individual's name, address, and  
20 fingerprints taken on standard fingerprint cards by a State or  
21 municipal law enforcement agency. The board is authorized to  
22 exchange fingerprint data with and receive criminal history record  
23 information from the Federal Bureau of Investigation and the  
24 Division of State Police for use in making the determinations  
25 required by sections 19 through 22 of P.L. , c. (C. )  
26 (pending before the Legislature as this bill).

27 b. Upon receipt of the criminal history record information for a  
28 person from the Federal Bureau of Investigation or the Division of  
29 State Police, the board shall immediately notify, in writing, the  
30 applicant, and the applicant's employer if the applicant is  
31 conditionally employed as provided in subsection d. of this section  
32 or the applicant's prospective employer if known, or a certified  
33 nurse aide who is required to undergo a criminal history record  
34 background check pursuant to section 19 of P.L. , c. (C. )  
35 (pending before the Legislature as this bill) and that person's  
36 employer, as applicable, of the person's qualification or  
37 disqualification for certification under sections 19 through 22 of  
38 P.L. , c. (C. ) (pending before the Legislature as this bill). If  
39 the person is disqualified, the conviction or convictions which  
40 constitute the basis for the disqualification shall be identified in the  
41 notice to the person, but shall not be identified in the notice to the  
42 person's employer or prospective employer.

43 c. The person who is the subject of the background check shall  
44 have 30 days from the date of the written notice of disqualification  
45 to petition the board for a hearing on the accuracy of the person's  
46 criminal history record information or to establish the person's  
47 rehabilitation under subsection b. of section 19  
48 of P.L. , c. (C. ) (pending before the Legislature as this

1 bill). The board shall notify the person's employer or prospective  
2 employer of the person's petition for a hearing within five days  
3 following the receipt of the petition from the person. Upon the  
4 issuance of a final decision upon a petition to the board pursuant to  
5 this subsection, the board shall notify the person and the person's  
6 employer or prospective employer as to whether the person remains  
7 disqualified from certification under sections 19 through 22 of  
8 P.L. , c. (C. ) (pending before the Legislature).

9 d. An applicant for certification may be issued conditional  
10 certification and may be employed as a nurse aide conditionally for  
11 a period not to exceed 60 days, pending completion of a criminal  
12 history record background check required under sections 19 through  
13 22 of P.L. , c. (C. ) (pending before the Legislature) by the  
14 Division of State Police in the Department of Law and Public  
15 Safety based upon an examination of its own files in accordance  
16 with section 14 of P.L.1997, c.100 (C.53:1-20.9a), and for an  
17 additional period not to exceed 60 days pending completion of a  
18 criminal history record background check by federal authorities as  
19 arranged for by the Division of State Police pursuant to section 14  
20 of P.L.1997, c.100 (C.53:1-20.9a), if the person submits to the  
21 board a sworn statement attesting that the person has not been  
22 convicted of any crime or disorderly persons offense as described in  
23 section 19 of P.L. , c. (C. ) (pending before the Legislature  
24 as this bill). A person who submits a false sworn statement shall be  
25 disqualified from certification as a nurse aide, as the case may be,  
26 and shall not have an opportunity to establish rehabilitation  
27 pursuant to subsection b. of section 19 of P.L. , c. (C. )  
28 (pending before the Legislature as this bill).

29 A conditionally employed person, or an employed person  
30 certified as a nurse aide, who disputes the accuracy of the criminal  
31 history record information and who files a petition requesting a  
32 hearing pursuant to subsection c. of this section may remain  
33 employed by that person's employer until the board rules on the  
34 person's petition but, pending the board's ruling, the employer shall  
35 not permit the person to have unsupervised contact with patients,  
36 residents, or clients, as the case may be, who are 60 years of age or  
37 older.

38 e. (1) A licensed health care facility or other entity that has  
39 received an application from or conditionally employs an applicant  
40 for nurse aide certification, or employs a certified nurse aide, shall  
41 be immune from liability for disclosing that disqualification or  
42 termination in good faith to another licensed health care facility or  
43 other entity that is qualified by statute or regulation to employ the  
44 person as a nurse aide, provided that the licensed health care facility  
45 or other entity:

46 (a) receives notice from the board that the applicant or certified  
47 nurse aide, as applicable, has been determined by the board to be  
48 disqualified from certification as a nurse aide pursuant to sections

1 19 through 22 of P.L. , c. (C. ) (pending before the  
2 Legislature); or

3 (b) terminates its employment of a conditionally employed  
4 applicant for nurse aide certification or a certified nurse aide  
5 because the person was disqualified from employment at the health  
6 care facility or other entity on the basis of a conviction of a crime or  
7 disorderly persons offense as described in section 19 of P.L. , c.  
8 (C. ) (pending before the Legislature as this bill) after  
9 commencing employment at the health care facility or other entity.

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

16 f. (1) A licensed health care facility or other entity, upon  
17 receiving notice from the board that a person employed by it as a  
18 nurse aide, including a conditionally employed person, has been  
19 convicted of a crime or disorderly persons offense as described in  
20 section 19 of P.L. , c. (C. ) (pending before the Legislature  
21 as this bill) after commencing employment at the health care facility  
22 or other entity, shall:

23 (a) immediately terminate the person's employment as a nurse  
24 aide; and

25 (b) report information about the termination to the board in a  
26 manner prescribed by the board, who shall thereupon deem the  
27 person to be disqualified from certification as a nurse aide, subject  
28 to the provisions of paragraph (3) of this subsection.

29 (2) A licensed health care facility or other entity shall be  
30 immune from liability for any actions taken in good faith pursuant  
31 to paragraph (1) of this subsection and shall be presumed to be  
32 acting in good faith unless it is shown by clear and convincing  
33 evidence that the health care facility or other entity acted with  
34 actual malice toward the employee.

35 (3) The person terminated from employment pursuant to  
36 paragraph (1) of this subsection shall have 30 days from the date of  
37 the termination to petition the board for a hearing on the accuracy  
38 of the information about the conviction reported to the board or to  
39 establish why the person should not be terminated from  
40 employment, and disqualified from certification, as a nurse aide.  
41 The board shall notify the person's employer of the person's petition  
42 for a hearing within five days following the receipt of the petition  
43 from the person. Upon the issuance of a final decision upon a  
44 petition to the board pursuant to this paragraph, the board shall  
45 notify the person and the person's employer as to whether:

46 (a) the person is to be reinstated in the person's employment as a  
47 nurse aide and retain the person's certification; or

1 (b) the person's termination from employment as a nurse aide  
2 stands and the person remains disqualified from certification.

3 g. The board shall provide for a registry of all persons who  
4 have successfully completed all training and competency evaluation  
5 requirements for certification as a nurse aide and shall provide for  
6 the inclusion in the registry of information about the  
7 disqualification of any person from certification pursuant to  
8 sections 19 through 22 of P.L. , c. (C. ) (pending before the  
9 Legislature); for which purposes, the board may use an existing  
10 registry established pursuant to statute or regulation, subject to the  
11 requirements of federal law. The registry shall include the specific  
12 documented findings constituting the basis for that disqualification,  
13 except that the information shall indicate that the person was  
14 convicted of a crime or disorderly persons offense as described in  
15 section 19 of P.L. , c. (C. ) (pending before the Legislature  
16 as this bill), but shall not identify the conviction or convictions  
17 which constitute the basis for the disqualification.

18

19 21. (New section) The Department of Law and Public Safety  
20 shall assume the cost of the criminal history record background  
21 check conducted on an applicant for nurse aide certification, or a  
22 certified nurse aide, as the case may be, pursuant to sections 19  
23 through 22 of P.L. , c. (C. ) (pending before the  
24 Legislature) and section 14 of P.L.1997, c.100 (C.53:1-20.9a).

25

26 22. (New section) Any person submitting a false sworn  
27 statement pursuant to section 20 of P.L. , c. (C. ) (pending  
28 before the Legislature as this bill) shall be subject to a fine of not  
29 more than \$1,000, which may be assessed by the board.

30

31 23. (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 board pursuant to section 20 of P.L. , c. (C. ) (pending  
35 before the Legislature as this bill), provided that:

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

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

42 c. the applicant complies with the criminal history record  
43 background check requirements set forth under sections 19 through  
44 22 of P.L. , c. (C. ) (pending before the Legislature as this  
45 bill); and

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

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

11

12 24. (New section) a. As used in this section:

13 "Advanced practice nurse" means a person certified in  
14 accordance with the provisions of section 8 or 9 of P.L.1991, c.377  
15 (C.45:11-47 or 45:11-48).

16 "Certified nurse midwife" means a midwife licensed by the State  
17 Board of Medical Examiners as a certified nurse midwife pursuant  
18 to the provisions of P.L.1991, c.97 (C.45:10-17 et al.).

19 "Physician" means a person licensed to practice medicine in New  
20 Jersey pursuant to R.S.45:9-1 et seq. or licensed to practice in any  
21 one of the United States or its territories, or the District of  
22 Columbia.

23 "Physician assistant" means a health professional who meets the  
24 qualifications under P.L.1991, c.378 (C.45:9-27.10 et seq.) and  
25 holds a current, valid license issued pursuant to section 4 of  
26 P.L.1991, c.378 (C.45:9-27.13).

27 "Preceptor" means an individual who is an advanced practice  
28 nurse, certified nurse midwife, certified registered nurse anesthetist,  
29 physician, physician assistant, or psychologist, who meets the  
30 qualifications for precepting under the rules and regulations of the  
31 New Jersey Board of Nursing, and who participates in the  
32 instructional training of advanced practice nurse, certified nurse  
33 midwife, or certified registered nurse anesthetist students.

34 "Preceptorship program" means an organized system of clinical  
35 experience that, for the purpose of attaining specified learning  
36 objectives, pairs a student enrolled in a nursing education program  
37 that is recognized by the New Jersey Board of Nursing with a  
38 preceptor.

39 "Psychologist" means a person who is licensed as a psychologist  
40 by the New Jersey Board of Psychological Examiners.

41 b. A preceptor shall be allowed a credit against the tax  
42 otherwise due for the taxable year under the "New Jersey Gross  
43 Income Tax Act," N.J.S.54A:1-1 et seq., in an amount equal to  
44 \$1,000 for each advanced practice nurse, certified nurse midwife, or  
45 certified registered nurse anesthetist student supervised by the  
46 preceptor, during the taxable year, as part of a preceptorship  
47 program. The preceptor shall be the primary supervisor of the  
48 student for at least 100 clinical hours during the taxable year in

1 order to be eligible for the tax credit allowed pursuant to this  
2 section.

3 c. (1) A faculty of record from an accredited school of nursing  
4 in New Jersey, or the faculty of record's designee, shall certify the  
5 number of students supervised by the preceptor during the taxable  
6 year who may be included in the calculation of the tax credit  
7 allowed pursuant to this section.

8 (2) The certification form shall include the name of the  
9 preceptor, information identifying the school of record and the  
10 faculty of record, or the faculty of record's designee, and the  
11 number of hours and names of the students whom the preceptor  
12 supervised.

13 d. The certification form shall be submitted by the preceptor to  
14 the Division of Taxation in the Department of the Treasury for  
15 approval by the January 31 next following the completion of the  
16 applicable taxable year. The director shall approve all forms that  
17 qualify for a tax credit pursuant to this section on a first-come, first-  
18 served basis, and notify the preceptor within 45 days of receipt of  
19 the preceptor's application of its approval or denial. The value of  
20 tax credits approved under this section shall not exceed a  
21 cumulative total of \$10 million annually.

22 e. The director shall prescribe the order of priority of the  
23 application of the tax credit allowed under this section and any  
24 other tax credits allowed by law against the tax otherwise due for  
25 the taxable year under N.J.S.54A:1-1 et seq. The amount of the tax  
26 credit applied under this section against the tax imposed under  
27 N.J.S.54A:1-1 et seq. for the taxable year, together with any other  
28 tax credits allowed by law, shall not reduce the tax liability to an  
29 amount less than zero, and any unused amount of the tax credit may  
30 not be carried forward to any other taxable year.

31

32 25. Section 1 of P.L.2019, c.18 (C.26:2H-87.1) is repealed.

33

34 26. (New section) a. The New Jersey Economic Development  
35 Authority, the New Jersey Board of Nursing, and the Department of  
36 Health shall adopt rules and regulations, pursuant to the  
37 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
38 seq.), as shall be necessary to implement the provisions of this act.

39 b. Notwithstanding any provision of the "Administrative  
40 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to the  
41 contrary, the Director of the Division of Taxation in the Department  
42 of the Treasury is authorized to adopt immediately upon filing with  
43 the Office of Administrative Law such rules and regulations as are  
44 necessary to implement the provisions of section 24 of this act. The  
45 rules and regulations adopted pursuant to this subsection shall be  
46 effective for a period not to exceed 18 months following the date of  
47 filing and may thereafter be amended, adopted, or readopted by the



1 director in accordance with the requirements of P.L.1968, c.410  
2 (C.52:14B-1 et seq.).

3

4 27. a. There is appropriated from the General Fund to the New  
5 Jersey Collaborating Center for Nursing the sum of \$500,000 to  
6 effectuate the provisions of sections 1 through 4 of this act.

7 b. There is appropriated from the General Fund to the New  
8 Jersey Economic Development Authority the sum of \$25,000,000 to  
9 effectuate the purposes of section 8 of this act. The authority shall  
10 issue grants in the amount of \$24,500,000 and shall expend no more  
11 than \$500,000 for the administrative costs of the program.

12 c. There is appropriated from the General Fund to the New  
13 Jersey Nursing Emotional Well-Being Institute in the New Jersey  
14 Collaborating Center for Nursing the sum of \$1,200,000 for the  
15 purpose of implementing the provisions of sections 9 and 10 of this  
16 act. Of this amount, the New Jersey Nursing Emotional Well-Being  
17 Institute shall use \$300,000 to support the nurse-to-nurse peer  
18 support helpline established pursuant to section 10 of this act.

19

20 28. This act shall take effect immediately, except that sections 1  
21 through 4 of this act shall take effect on the first day of the 10th  
22 month next following enactment, section 7 of this act shall take  
23 effect on the first day of the seventh month next following  
24 enactment, section 11 of this act shall remain inoperative until the  
25 first July 1 that is at least four months after the date of enactment,  
26 and sections 12 through 23 and section 25 of this act shall take  
27 effect on the first day of the 19th month next following enactment.  
28 The New Jersey Department of Health and New Jersey Board of  
29 Nursing may take such anticipatory administrative action in  
30 advance of the effective dates of sections 12 through 23 and section  
31 25 of this act as shall be necessary for implementation of this act.  
32 Section 24 of this act shall apply to taxable years beginning on or  
33 after the date of enactment.

34

35

36

#### STATEMENT

37

38 This bill implements certain measures to support nurses and the  
39 nursing workforce, and transfers oversight over certified nurse aides  
40 (CNAs) from the Department of Health (DOH) to the New Jersey  
41 Board of Nursing, effective on the first day of the 19th month next  
42 following the enactment of this bill. Specifically, the bill  
43 establishes requirements for the New Jersey Collaborating Center  
44 for Nursing (NJCCN) to develop new graduate nursing residency  
45 programs; increases State funding for the NJCCN; requires  
46 hospitals to establish Nurse Workplace Environment and Staffing  
47 Councils; establishes a Nursing School Expansion Grant Program;  
48 requires the New Jersey Nursing Emotional Well-Being Institute

1 (NJ-NEW) to establish a program of services and a peer support  
2 helpline to promote the mental health and emotional well-being of  
3 nurses and their families; establishes annual survey requirements  
4 for nurses, homemaker-home health aides (HHAs) and CNAs, as  
5 well as for schools that offer nurse training programs and HHA and  
6 CNA training programs; and establishes a gross income tax credit  
7 for preceptors of certain nursing students.

8  
9 Graduate Nursing Residency Programs

10  
11 This bill establishes a program through which facilities for acute  
12 care, long-term care, public health, ambulatory care, home care and  
13 hospice providers, and other qualifying facilities or providers may  
14 apply to receive financial, material and technical support from the  
15 New Jersey Collaborating Center for Nursing (“NJCCN”) to  
16 implement a residency program for licensed practical nurses and  
17 registered professional nurses, or one of these professions. To  
18 manage the operations of the program, the bill appropriates  
19 \$500,000 to NJCCN.

20 The NJCCN is to appoint an advisory committee of stakeholders  
21 for consultation to effectuate the purposes of the bill. Among the  
22 stakeholders to be appointed are two NJCCN representatives; one  
23 representative of the New Jersey Board of Nursing who is either a  
24 licensed practical nurse or a registered professional nurse; one  
25 licensed practical nurse or registered professional nurse  
26 representing a unionized facility; representatives of various health  
27 care facility and provider associations; and two representatives of  
28 different academic nursing programs. The bill grants authority to  
29 the NJCCN to adjust membership of the advisory committee upon  
30 periodic review of the needs of residency programs for licensed  
31 practical nurses and registered professional nurses.

32 The NJCCN is to consult with the advisory committee to 1)  
33 establish and update, as necessary, requirements for a residency  
34 program and 2) establish criteria for eligibility of facilities and  
35 providers to participate in the program created in accordance with  
36 the bill. Requirements for a residency program are to include, at a  
37 minimum: 1) a 12-month timeline for a residency; 2) a full-time  
38 schedule for residents; 3) support for residents by a preceptor or  
39 mentor; and 4) collection of data by the facility or provider to send  
40 to the NJCCN regarding the number of individuals who completed a  
41 residency program with the facility or provider and remained at the  
42 facility or with the provider after residency completion for full-time  
43 employment.

44 To participate in the NJCCN program, facilities and providers  
45 are to file an application that includes information on 1) the  
46 number of spots to be offered in the facility or provider’s residency  
47 program; 2) the type of facility or provider seeking approval; and 3)  
48 whether the facility or provider’s residency program is newly

1 established or being updated. Approval of an application will be  
2 made on a first-come, first-serve basis, with priority given to long-  
3 term care facilities and home care providers. Upon approval of an  
4 application, the New Jersey Board of Nursing will provide funding  
5 to the NJCCN to offer the financial, material and technical support  
6 to the approved facility or provider, in an amount determined based  
7 on various criteria, including, but not limited to, the information  
8 submitted in the application on the number of spots in a residency  
9 program, the type of facility, and if the residency program is new or  
10 being updated. The bill directs that at no time is the New Jersey  
11 Board of Nursing to allocate an amount exceeding \$4 million  
12 annually to the NJCCN for the financial, material and technical  
13 support to facilities and providers participating in the program  
14 created in the bill.

15 Lastly, a biannual report currently required of the NJCCN to  
16 submit to the Governor and Legislature is to now include various  
17 data on the residency programs established for licensed practical  
18 nurses and registered professional nurses.

19

#### 20 New Jersey Collaborating Center for Nursing Funding

21

22 The bill amends current law to provide that an amount equal to at  
23 least \$515,000 of the initial and renewal licensing fees charged by  
24 the New Jersey Board of Nursing for professional and practical  
25 nurses is dedicated to funding, and annually appropriated to, the  
26 NJCCN. Under current law, five percent of the initial and renewal  
27 licensing fees charged by the board are dedicated to funding, and  
28 annually appropriated to, the NJCCN. Under this bill, the NJCCN  
29 will annually receive five percent, or \$515,000, whichever amount  
30 is greater.

31

#### 32 Nurse Workplace Environment and Staffing Council Program

33 The bill requires the Department of Health to require each  
34 hospital in this State, as a condition of licensure, to establish a  
35 Nurse Workplace Environment and Staffing Council, either by  
36 establishing a new council or assigning the functions of the council  
37 to a similar existing entity within the hospital.

38 Each council will serve the purpose of:

39 (1) providing nurses with representation on matters concerning  
40 the establishment of healthy work environments and human  
41 resource allocation;

42 (2) creating a forum of participatory leadership; and

43 (3) supporting the equal participation of nurses and hospital  
44 management in hospital decisions affecting nurses. The bill  
45 requires that at least 51 percent of the members of each council will  
46 be registered nurses that spend at least 50 percent of work time in  
47 direct patient care. Each council will contain a sufficient amount of  
48 members to provide adequate representation of all the nurses

1 working in the hospital. Each council will have a Chief Nursing  
2 Officer and a direct care nurse who will serve as the co-chairs of the  
3 council. The selection of the registered nurses will be according to  
4 the collective bargaining agreement, if there is one in effect at the  
5 hospital. If there is no applicable collective bargaining agreement,  
6 the members of the council who are registered nurses will be  
7 selected by their peers. The members of the council who are  
8 hospital administrative staff will be appointed by each council's  
9 Chief Nursing Officer.

10 Participation in the council by a hospital employee will be on  
11 scheduled work time and compensated at the appropriate rate of  
12 pay. Council members will be relieved of all other work duties  
13 during meetings of the council. Each council member will be  
14 required to complete the curriculum provided by the Organization  
15 of Nurse Leaders of New Jersey Nursing Workplace Environment  
16 Commission program or a similar process defined in a collective  
17 bargaining agreement.

18 Each council will develop an annual plan concerning nurse  
19 staffing and the creation of a positive work environment for nurses  
20 within the hospital. The plan will be based on the needs of patients  
21 and be used as a primary component of the staffing budget. Each  
22 council will provide the annual plan to the Chief Nursing Officer  
23 for budget planning.

24 The plan will:

25 (a) not diminish other standards contained in State or federal  
26 law and rules, or the terms of an applicable collective bargaining  
27 agreement, if any, between the hospital and a representative of the  
28 nursing staff; and

29 (b) provide for exemptions for some or all requirements of the  
30 plan during a state of emergency, as defined in section 23 of  
31 P.L.2011, c.19 (C.5:12-45.3), if the hospital is requested or  
32 expected to provide an exceptional level of emergency or other  
33 medical services.

34 The Department of Health will be responsible for ensuring that  
35 each council is in compliance and will review the plan as necessary.

36

### 37 Nursing Education Program Grants

38

39 The bill establishes the Nursing School Expansion Grant  
40 Program, which will be administered by the New Jersey Economic  
41 Development Authority. Under the bill, the program will provide  
42 grants to eligible nursing education programs in the State to  
43 increase their capacity and improve the supply of the nursing  
44 workforce. The bill also appropriates \$25 million from the General  
45 Fund to the authority for the bill's purposes.

46 Under the bill, an eligible nursing education program may submit  
47 an application for grant funding through the program to the Chief  
48 Executive Officer. An application is required to include

1 information and data, in such form and in such manner as is  
2 required by the Chief Executive Officer, on:

3 (1) the enrollment and graduation rates for the three academic  
4 years preceding the date of the application;

5 (2) the projected plan to increase enrollment and graduation  
6 targets;

7 (3) the demographic profile of current students, faculty, and  
8 staff and specific plans to increase the diversity of the nursing  
9 workforce;

10 (4) any plans for faculty expansions in order to meet the needs  
11 of an increased student body;

12 (5) any partnerships, connections, or pathways between licensed  
13 practical nursing programs, diploma or certificate programs,  
14 associate's degree programs, baccalaureate degree programs, and  
15 graduate level programs in nursing and nursing education;

16 (6) student pass rates for examinations administered by the  
17 National Council of State Boards of Nursing; and

18 (7) such other information as the Chief Executive Officer may  
19 require.

20 The bill directs the Chief Executive Officer, in consultation with  
21 the New Jersey Collaborating Center for Nursing, to develop  
22 criteria for the evaluation of applications for grants. Based upon  
23 the criteria developed, and within the limit of available  
24 appropriations, the Chief Executive Officer will award grants to  
25 eligible nursing education programs in such amounts as the officer  
26 determines.

27 The bill directs the authority to issue grants in the amount of  
28 \$24,500,000 and provides that no more than \$500,000 may be  
29 expended by the authority for the administrative costs of the  
30 program.

31

32 Nurse Emotional Well-Being and Mental Health Support

33 The bill requires the New Jersey Nursing Emotional Well-Being  
34 Institute (NJ-NEW) in the NJCCN to establish a program of  
35 services designed to promote the mental health and emotional well-  
36 being of nurses, as well as to provide a nurse-to-nurse peer support  
37 helpline.

38 Specifically, NJ-NEW will be required to establish a program of  
39 services designed to promote the mental health and well-being of  
40 nurses licensed in New Jersey and their families and prevent the  
41 psychological and physical sequelae of stress. At a minimum, the  
42 program will:

43 (1) encourage all health care facilities in the State that employ  
44 nurses to access the NJ-NEW Schwartz Rounds program;

45 (2) work to make virtual Schwartz rounds available to all nurses  
46 in the State on at least a monthly basis;

47 (3) coordinate with nursing associations, mental health  
48 associations, and community organizations to facilitate a Statewide

1 NJ-NEW well-being hub, which will comprise learning  
2 collaboratives that offer strategies to prevent work-related stress  
3 from causing physical and emotional symptoms, provide  
4 educational resources, and provide consultation services for health  
5 care organizations in New Jersey to promote emotional well-being  
6 for nurses and their families;

7 (4) provide stress first aid training or establish partnerships with  
8 stress first aid training providers to support health care  
9 organizations in promoting emotional well-being and resiliency for  
10 nurses and their families;

11 (5) establish an online repository of Statewide emotional well-  
12 being and mental health resources and referrals for nurses and their  
13 families; and

14 (6) establish any other evidence-based initiatives that meet the  
15 ongoing emotional well-being and mental health needs of nurses  
16 and their families.

17 The bill additionally requires NJ-NEW and the University  
18 Behavioral HealthCare of Rutgers, the State University of New  
19 Jersey, or another entity, to provide a toll-free nurse-to-nurse peer  
20 support helpline, or a similar helpline. The helpline is to be  
21 accessible 24 hours a day, seven days per week, and respond to  
22 calls from nurses and their family members. The staff of the  
23 helpline will provide counselling and support to callers, seek to  
24 identify the nurses and their family members who should be  
25 referred for further support and counseling services, and provide  
26 informational resources. The helpline is to partner with the  
27 Statewide NJ-NEW well-being hub established under the bill to  
28 provide callers with resources and skill sets to prevent situations  
29 that cause stress and the psychological and physical sequelae of  
30 stress.

31 The operators of the helpline are to be trained by University  
32 Behavioral Healthcare of Rutgers, the State University of New  
33 Jersey and, to the greatest extent possible, be current or former  
34 nurses who are:

35 (1) familiar with post-traumatic stress disorder and the  
36 emotional and psychological tensions, depressions, and anxieties  
37 unique to nurses and their family members; or

38 (2) trained to provide counseling services involving marriage  
39 and family life, substance abuse, personal stress management, and  
40 other emotional or psychological disorders or conditions which may  
41 be likely to adversely affect the personal and profession-related  
42 well-being of nurses and their family members.

43 NJ-NEW and University Behavioral HealthCare of Rutgers, the  
44 State University of New Jersey, or another entity, are to provide for  
45 the confidentiality of the names of the callers, the information  
46 discussed, and any referrals for further peer support or counseling;  
47 provided, however, that NJ-NEW and Rutgers, the State University  
48 of New Jersey, or another entity, may establish guidelines providing

1 for the tracking of any person who exhibits a severe emotional or  
2 psychological disorder or condition which the operator handling the  
3 call reasonably believes might result in harm to the nurse, family  
4 member, or any other person.

5 University Behavioral HealthCare of Rutgers, the State  
6 University of New Jersey, or another entity, will maintain a list of  
7 credentialed resources and behavioral health care providers  
8 throughout the State, and provide case management services to  
9 ensure that nurses and their family members receive ongoing  
10 counseling and a continuum of care in New Jersey. The continuum  
11 of services will be required to utilize applicable State and federal  
12 guidelines while providing ongoing peer support.

13 The bill appropriates from the General Fund to NJ-NEW the sum  
14 of \$1,200,000 for the purpose of implementing the provisions of the  
15 bill. Of this amount, NJ-NEW will be required to use \$300,000 to  
16 support the nurse-to-nurse peer support helpline. The bill directs  
17 that there be annually appropriated to NJ-NEW from the General  
18 Fund such sums as are sufficient to support the operations of NJ-  
19 NEW and the initiatives undertaken by NJ-NEW pursuant to the  
20 bill.

21

#### 22 Workforce and Training Program Survey Requirements

23

24 The bill codifies certain existing surveys for nurses and creates  
25 new surveys for homemaker-home health aides (HHAs) and CNAs,  
26 as well as for schools that offer nurse training programs and HHA  
27 and CNA training programs.

28 Specifically, the survey for nurses, HHAs, and CNAs will solicit  
29 information concerning: 1) the person's licensure or certification  
30 status; 2) the person's demographic information, including age,  
31 race, ethnicity, and gender; 3) the person's educational background;  
32 4) the person's employment status; 5) the person's primary  
33 employment setting; 6) the type of position held by the person; and  
34 any other information as may be required. Nurses will additionally  
35 be asked whether the nurse is licensed under the multistate Nurse  
36 Licensure Compact and whether, during the course of the prior year,  
37 the nurse provided professional services in other states under the  
38 compact. The survey is to be completed by the professional in  
39 connection with the professional's initial licensure or certification  
40 and in connection with the renewal of the professional's license or  
41 certification.

42 The survey for schools that offer training programs for nurses  
43 will include programs that offer a diploma, an associate's degree, a  
44 baccalaureate degree, or an advanced degree in nursing, as well as  
45 licensed practical nurse training programs.

46 The nurse training program survey and the surveys for HHA and  
47 CNA training programs will solicit the following information: 1)  
48 the number of applicants rejected by the school or program; 2) the

1 total number of available slots at the school or program; 3) the total  
2 number of qualified candidates who applied to the school or  
3 program; 4) the total number of current enrollees in the school or  
4 program; 5) graduation rates from the school or program; 6) in the  
5 case of nursing schools, pass rates for program graduates for the  
6 National Council Licensure Examination; 7) demographic  
7 information concerning current students and faculty, including data  
8 concerning age, race, ethnicity, and gender; 8) faculty vacancy  
9 rates; 9) the total number of faculty employed; 10) the educational  
10 background of faculty members; and 11) such other information as  
11 may be required. The survey is to be completed by the school or  
12 training program no later than July 1 of each year.

13 The New Jersey Board of Nursing and the DOH will be required  
14 to develop and annually review the surveys required under the bill  
15 in collaboration with the New Jersey Collaborating Center for  
16 Nursing (NJCCN) until oversight of CNAs transfers to the New  
17 Jersey Board of Nursing pursuant to the bill on the first day of the  
18 19th month next following the enactment of the bill; thereafter, the  
19 New Jersey Board of Nursing will develop and review all the  
20 surveys required under the bill.

21 The New Jersey Board of Nursing will ensure compliance with  
22 the nurse and HHA survey requirements and, following transfer of  
23 oversight of CNAs from the DOH, CNAs and CNA training  
24 program survey requirements. Until oversight of CNAs transfers to  
25 the New Jersey Board of Nursing, the DOH will ensure compliance  
26 with CNA and CNA training program survey requirements. The  
27 NJCCN and New Jersey Board of Nursing will ensure compliance  
28 with the survey requirements for schools with nurse training  
29 programs and HHA training programs and, following transfer of  
30 oversight over CNAs from the DOH, CNA training programs. The  
31 New Jersey Board of Nursing and DOH will each be required to  
32 take appropriate disciplinary action against entities within their  
33 respective jurisdictions that fail to complete the survey. A survey  
34 will not be deemed complete unless all survey questions are  
35 answered.

36 The New Jersey Board of Nursing will transmit de-identified  
37 nurse and HHA survey data, and following transfer of oversight of  
38 CNAs from the DOH, CNA survey data, to the NJCCN, which will  
39 analyze the data and produce an annual aggregate report. The  
40 NJCCN will additionally analyze and produce an annual aggregate  
41 report of nursing school and HHA training program survey data, as  
42 well as CNA training program survey data following transfer of  
43 oversight of CNAs from the DOH. Until oversight of CNAs is  
44 transferred to the New Jersey Board of Nursing, the DOH will be  
45 required to analyze CNA and CNA training program survey data  
46 and produce an annual aggregate report; however, the department  
47 will be authorized to contract with the NJCCN to analyze the data  
48 and produce the report, the costs of which will be offset by the



1 department furnishing the NJCCN with five percent of CNA  
2 licensure fees collected for the current reporting period.

3 The reports of survey data for nurses, HHAs, schools that offer  
4 training programs for nurses, and HHA training programs will be  
5 made available on the Internet websites of the New Jersey Board of  
6 Nursing and the NJCCN. The CNA and CNA training program  
7 reports will be made available on the Internet websites of the DOH  
8 and the NJCCN until transfer of oversight over CNAs transfers to  
9 the New Jersey Board of Nursing, at which point CNA and CNA  
10 training program reports will be made available on the Internet  
11 websites of the New Jersey Board of Nursing and the NJCCN.

12

13 Transferring Oversight of CNAs to New Jersey Board of Nursing

14

15 This bill modifies current law governing CNAs by transferring  
16 the regulation of CNAs from the New Jersey Department of Health  
17 to the New Jersey Board of Nursing, which is part of the Division  
18 of Consumer Affairs in the Department of Law and Public Safety.  
19 Under the bill, references to CNAs in the law currently governing  
20 the profession and references to CNAs in law attributing the  
21 oversight of CNAs to the Department of Health are removed and  
22 substantively identical language on the regulation of CNAs is added  
23 under the law governing the New Jersey Board of Nursing or is  
24 added to provisions attributing CNA oversight to the board. The  
25 board is authorized under the bill to promulgate regulations to  
26 effectuate the purposes of the bill.

27

28 Preceptor Tax Credit Program

29

30 The bill establishes a gross income tax credit for preceptors of  
31 advanced practice nursing, certified nurse midwife, or certified  
32 registered nurse anesthetist students. The tax credit would be equal  
33 to \$1,000 per student primarily supervised by the preceptor. The  
34 preceptor is required to supervise the student for at least 100  
35 clinical hours during the taxable year to be eligible for the credit.  
36 The tax credit program is limited to \$10 million annually, and the  
37 tax credits awarded under the program are non-refundable and may  
38 not be carried forward.

39 As defined in the bill, a preceptor is an individual who is an  
40 advanced practice nurse, physician, physician assistant, or  
41 psychologist, who meets the qualifications for precepting under the  
42 rules and regulations of the New Jersey Board of Nursing, and who  
43 participates in the instructional training of advanced practice  
44 nursing, certified nurse midwife, or certified registered nurse  
45 anesthetist students.