

[Third Reprint]
SENATE, No. 2960

STATE OF NEW JERSEY
216th LEGISLATURE

INTRODUCED JUNE 8, 2015

Sponsored by:

Senator RICHARD J. CODEY

District 27 (Essex and Morris)

Senator RONALD L. RICE

District 28 (Essex)

Assemblyman CARMELO G. GARCIA

District 33 (Hudson)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman JOE DANIELSEN

District 17 (Middlesex and Somerset)

Assemblyman WAYNE P. DEANGELO

District 14 (Mercer and Middlesex)

Assemblyman JAMEL C. HOLLEY

District 20 (Union)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)



Co-Sponsored by:

Senators Vitale, Whelan, Doherty, Pou, Connors, Bateman, Sweeney, Madden, Allen, Addiego, Singer, Assemblymen Caputo, Giblin, Assemblywomen Tucker, Jimenez, Pinkin, Assemblyman Eustace, Assemblywomen Lampitt and Mosquera

SYNOPSIS

Establishes requirements for training programs for homemaker-home health aides in care of patients with Alzheimer's disease and related disorders.

CURRENT VERSION OF TEXT

As amended by the General Assembly on December 17, 2015.

(Sponsorship Updated As Of: 1/12/2016)

1 AN ACT concerning homemaker-home health aides and ³[amending
2 and]³ supplementing P.L.1947, c.262 ³(C.45:11-23 et seq.)³.

3

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

6

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

9 2. a. The board; appointment; terms. In addition to the
10 members appointed to represent the interests of the public pursuant
11 to section 2 of P.L.1971, c.60 [as amended by P.L.1977,
12 c.285 (C.45:1-2.2)] ¹(C.45:1-2.2)¹, the New Jersey Board of
13 Nursing shall consist of 10 members, six of whom shall be
14 registered professional nurses, two of whom shall be licensed
15 practical nurses, one of whom shall be an advanced practice nurse,
16 and one of whom shall be an additional public member, all to be
17 appointed by the Governor. Appointments to the board shall be for
18 terms of five years or for the unexpired portion of a term in the case
19 of a vacancy for any cause within a term, and until a successor shall
20 be appointed and qualified. In making appointments the Governor
21 shall give due consideration to, but shall not be bound by,
22 recommendations submitted by the various nurses' professional
23 associations of this State. Upon notice and hearing, the Governor
24 may remove from office any member of the board for neglect of
25 duty, incompetency, unprofessional ¹;¹ or dishonorable conduct.

26 b. Qualifications for appointment. The advanced practice nurse
27 member shall be a resident of this State ¹[,]¹ shall be a graduate
28 of an accredited advanced practice nurse program ¹[,]¹ shall have
29 had at least five years' experience in professional nursing ¹[,]¹
30 shall at the time of appointment be actively working as an advanced
31 practice nurse ¹[,]¹ and, except for the member first appointed,
32 shall hold a certification as an advanced practice nurse pursuant to
33 P.L.1991, c.377 (C.45:11-45 et al.). Each registered professional
34 nurse member of the board shall be a citizen of the United States
35 and a resident of this State; shall be a graduate of an accredited
36 school of nursing within the United States; shall be a registered
37 nurse in this State; shall have had at least five years' experience in
38 professional nursing following graduation from an accredited
39 school of nursing; and shall at the time of appointment be actively
40 engaged in nursing or work relating thereto. ¹[The] Each¹ licensed
41 practical nurse ¹[members] member¹ of the board shall be
42 ¹[citizens] a citizen¹ of the United States and ¹[residents] a

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SHH committee amendments adopted June 15, 2015.

²Assembly AHE committee amendments adopted December 10, 2015.

³Assembly floor amendments adopted December 17, 2015.

1 resident¹ of this State; shall hold a valid license to practice practical
2 nursing in this State; shall have had at least three years' experience
3 in practical nursing; and shall at the time of appointment be actively
4 engaged in practical nursing or work related thereto.

5 c. Oath or affirmation of office. Within 30 days after receipt of
6 the commission, each appointee shall take, subscribe ¹,¹ and file in
7 the office of the Secretary of State the oath or affirmation
8 prescribed by law.

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

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

1 in the registry of information about the disqualification of any
2 person from certification as a homemaker-home health aide
3 pursuant to sections 7 through 13 of P.L.1997, c.100 (C.45:11-24.3
4 through 24.9), including the specific documented findings
5 constituting the basis for that disqualification; except that the
6 information shall indicate that the person was convicted of a crime
7 or disorderly persons offense as described in section 7 of P.L.1997,
8 c.100 (C.45:11-24.3), but shall not identify the conviction or
9 convictions which constitute the basis for the disqualification. (23)
10 It shall prescribe standards and requirements for a competency
11 evaluation program resulting in certification of the homemaker-
12 home health aide, and the renewal, revocation, and suspension of
13 that certification. (24) It shall review applications for homemaker
14 home-health aide certification and shall issue, suspend, revoke, or
15 fail to renew certifications and conduct investigations pursuant to
16 the provisions of P.L.1978, c.73 (C.45:1-14 et seq.). (25) It shall
17 require that nursing school curricula include, and shall prescribe
18 standards for, the training of registered professional nurses in the
19 supervision of, and the delegation of nursing tasks to, unlicensed
20 assistive personnel, and shall further prescribe standards
21 establishing the criteria for determining those tasks which registered
22 professional nurses may delegate to unlicensed assistive personnel
23 working under their supervision and the type of supervision
24 required with respect to those personnel. (26) It shall prescribe
25 standards and requirements for unlicensed assistive personnel,
26 including initial education and continuing education and a
27 competency evaluation program, which these personnel shall satisfy
28 in order to work in this State. As used in this paragraph and in
29 paragraph (25) of this subsection, "unlicensed assistive personnel"
30 means any unlicensed or uncertified personnel employed by a
31 licensed health care facility that perform nursing tasks which do not
32 require the skill or judgment of a registered professional nurse and
33 which are assigned to them by, and carried out under the
34 supervision of, a registered professional nurse. (27) It may require
35 licensees to meet continuing education requirements as a condition
36 of relicensure.

37 e. Compensation. Each member of the board shall receive
38 \$15.00 per day for each day in which such member is actually
39 engaged in the discharge of duties and traveling and other expenses
40 necessarily incurred in the discharge of duties.

41 (cf: P.L.2000, c.20, s.4)]³

42

43 ³[2. (New section)] 1.³ a. The standards and curricula for the
44 homemaker-home health aide education and training programs
45 specified in subsection d. of section 2 of P.L.1947, c.262 (C.45:11-
46 24), ²[shall provide for] may include² comprehensive training in
47 the specialized care of ¹[a patient] patients¹ with Alzheimer's

1 disease ¹[or a] and¹ related ¹[disorder] disorders¹ who ¹[receives]
 2 receive¹ services from a homemaker-home health aide as defined in
 3 section 1 of P.L.1947, c.262 (C.45:11-23). ²[The] A² training
 4 program ²established under this subsection² shall include, but not
 5 be limited to:

6 (1) the causes and progression of Alzheimer's disease ¹[or a]
 7 and¹ related ¹[disorder] disorders¹; and

8 (2) the methods to deal with the specific problems encountered
 9 in the care of patients with Alzheimer's disease ¹[or a] and¹ related
 10 ¹[disorder] disorders¹, including, but not limited to:
 11 communicating with patients with Alzheimer's disease ¹[or a] and¹
 12 related ¹[disorder] disorders¹; ²the² psychological, social, and
 13 physical needs of patients with Alzheimer's disease ¹[or a] and¹
 14 related ¹[disorder] disorders¹; and safety measures which need to
 15 be taken for ¹[a patient] patients¹ with Alzheimer's disease ¹[or a]
 16 and¹ related ¹[disorder] disorders¹.

17 b. ²[A person who applies for certification as a homemaker-
 18 home health aide on or after the effective date of P.L. ,
 19 c. (C.) (pending before the Legislature as this bill) shall
 20 successfully complete the training required by P.L. , c. (C.)
 21 (pending before the Legislature as this bill) as a condition of
 22 receiving certification] Any person who is certified or who applies
 23 for certification as a homemaker-home health aide may complete a
 24 training and education program in the specialized care of patients
 25 with Alzheimer's disease and related disorders established pursuant
 26 to subsection a. of this section².

27 c. ²[A homemaker-home health aide who is certified on the
 28 effective date of P.L. , c. (C.) (pending before the
 29 Legislature as this bill) shall successfully complete the training
 30 required by P.L. , c. (C.) (pending before the Legislature as
 31 this bill) as a condition of receiving the homemaker-home health
 32 aide's first recertification to be issued after the effective date of
 33 P.L. , c. (C.) (pending before the Legislature as this bill).

34 ¹d.]² As used in this section, "Alzheimer's disease and related
 35 disorders" means forms of dementia characterized by a general loss
 36 of intellectual abilities of sufficient severity to interfere with social
 37 or occupational functioning.¹

38
 39 ³[3.] 2.³ This act shall take effect on the first day of January
 40 of the year next following the date of enactment, except the
 41 Director of the Division of Consumer Affairs in the Department of
 42 Law and Public Safety and the New Jersey Board of Nursing may
 43 take any anticipatory administrative action in advance as shall be
 44 necessary for the implementation of this act.

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5 c. Oath or affirmation of office. Within 30 days after receipt of
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37 shall show the name, age, nativity ¹,¹ and permanent place of
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40 shall deem advisable. The record shall show also whether the
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43 ³[2. (New section)] 1.³ a. The standards and curricula for the
44 homemaker-home health aide education and training programs
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4 program ²established under this subsection² shall include, but not
5 be limited to:

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11 communicating with patients with Alzheimer's disease ¹['or a] and¹
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13 physical needs of patients with Alzheimer's disease ¹['or a] and¹
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15 be taken for ¹['a patient] patients¹ with Alzheimer's disease ¹['or a]
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23 for certification as a homemaker-home health aide may complete a
24 training and education program in the specialized care of patients
25 with Alzheimer's disease and related disorders established pursuant
26 to subsection a. of this section².

27 c. ²['A homemaker-home health aide who is certified on the
28 effective date of P.L. , c. (C.) (pending before the
29 Legislature as this bill) shall successfully complete the training
30 required by P.L. , c. (C.) (pending before the Legislature as
31 this bill) as a condition of receiving the homemaker-home health
32 aide's first recertification to be issued after the effective date of
33 P.L. , c. (C.) (pending before the Legislature as this bill).

34 ¹d.]² As used in this section, "Alzheimer's disease and related
35 disorders" means forms of dementia characterized by a general loss
36 of intellectual abilities of sufficient severity to interfere with social
37 or occupational functioning.¹

38
39 ³['3.] 2.³ This act shall take effect on the first day of January
40 of the year next following the date of enactment, except the
41 Director of the Division of Consumer Affairs in the Department of
42 Law and Public Safety and the New Jersey Board of Nursing may
43 take any anticipatory administrative action in advance as shall be
44 necessary for the implementation of this act.