SYNOPSIS
Considers certain employment agencies as Health Care Service Firms.

CURRENT VERSION OF TEXT
As introduced.
AN ACT concerning employment agencies and supplementing
P.L.1989, c.331 (C.34:8-43 et seq.).

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

1. a. Notwithstanding any other law or regulation to the contrary,
an employment agency required to be licensed pursuant to P.L.1989,
c.331 (C.34:8-43 et seq.) which places or arranges for the placement
of personnel to provide health care, personal care or companion
services in the personal residence of a disabled individual or a senior
citizen age 65 or older, regardless of the title by which the provider of
the health care, personal care or companion services is known, shall be
considered a Health Care Service Firm pursuant to N.J.A.C.13:45B-14.1 et seq. and shall be subject to the rules and regulations governing
Health Care Service Firms adopted by the Division of Consumer
Affairs in the Department of Law and Public Safety.

As used in this subsection:
"Health care services” means any services rendered for the purpose
of maintaining or restoring an individual's physical or mental health or
any health related services for which a license or certification is
required as a pre-condition to the rendering of such services;
"Personal care services” shall include, but not be limited to, bathing,
toileting, transferring, dressing, grooming, and assistance with
ambulation, exercise, or other aspects of personal hygiene.

b. An employment agency which places or arranges for the
placement of personnel in the personal residence of a disabled
individual or a senior citizen age 65 years or older for the exclusive
purpose of providing housekeeping, meal preparation, shopping,
laundry, cleaning or transportation services shall not be considered a
Health Care Service Firm pursuant to this act.

2. The Director of the Division of Consumer Affairs in the
Department of Law and Public Safety shall, pursuant to the
"Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and regulations necessary to effectuate the purposes
of this act.

3. This act shall take effect immediately.

STATEMENT

This bill provides that, notwithstanding any other law or regulation
to the contrary, a State licensed employment agency which places or
arranges for the placement of personnel to provide health care,
personal care or companion services in the personal residence of a
disabled individual or a senior citizen age 65 or older, regardless of the
title by which the provider of the health care, personal care or
companion services is known, shall be considered a Health Care
Service Firm (HCSF) and shall be subject to the rules and regulations
governing Health Care Service Firms.

This bill defines "health care services" as any services rendered for
the purpose of maintaining or restoring an individual's physical or
mental health or any health related services for which a license or
certification is required as a pre-condition to the rendering of such
services. The bill further defines "personal care services" as
including, but not being limited to, such services as bathing,
toileting, transferring, dressing, grooming, and assistance with
ambulation, exercise, or other aspects of personal hygiene.

The purpose of this bill is to close an apparent loophole in the
regulations regarding personnel service firms whereby it has been
reported that certain employment agencies are sending individuals into
the homes of the disabled or elderly to provide health care services
without registering as a HCSF or following the additional regulatory
obligations imposed upon a HCSF. By calling these individuals by
such other names as companions, friends, aides or consultants, these
employment agencies have been able to escape being subsumed under
the HCSF registration requirement and regulations.

As recently as February of 1999, an elderly man was murdered by
one such individual. That case has highlighted the fact that certain
employment agencies are intentionally misconstruing or circumventing
the regulations and sending unqualified and improperly trained or
supervised individuals into the personal residences of vulnerable
citizens of this State. By closing this loophole, this bill would protect
these citizens and return a level of confidence to the home health care
service industry which has been badly undermined by these certain
employment agencies.