

ASSEMBLY, No. 2442

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED FEBRUARY 1, 2018

Sponsored by:

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblyman KEVIN J. ROONEY

District 40 (Bergen, Essex, Morris and Passaic)

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

Co-Sponsored by:

Assemblyman DiMaio

SYNOPSIS

Establishes reciprocity requirements for out-of-State certified nurse aides and personal care assistants to practice in New Jersey.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 7/31/2018)

1 AN ACT concerning certified nurse aides and personal care
2 assistants and supplementing Title 26 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. An individual certified as a nurse aide or personal care
8 assistant by another state or territory of the United States may apply
9 to have that certification entered on the registry established and
10 maintained by the Department of Health pursuant to section 3 of
11 P.L.1997, c.100 (C.26:2H-84), provided that:

12 a. the Department of Health receives documentation from the
13 other state or territory that the applicant holds a current, valid
14 certification as a nurse aide or personal care assistant in the state or
15 territory;

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

19 c. the applicant complies with the criminal history record
20 background check requirements set forth under P.L.1997, c.100
21 (C.26:2H-83 et al.); and

22 d. (1) the applicant has completed a training and competency
23 evaluation program at least equal to that required in New Jersey; or

24 (2) the applicant has the equivalent of at least five years of full
25 time employment in the other state or territory as a nurse aide or
26 personal care assistant, as appropriate, and the most recent date of
27 such employment is within the 24 month period immediately
28 preceding the date of the application. The Department of Health
29 may require an individual applying for a certification to be entered
30 on the registry on the basis of work experience pursuant to this
31 paragraph to complete an equivalency examination to verify the
32 individual meets New Jersey's training and competency
33 requirements.

34
35 2. The Commissioner of Health, pursuant to the
36 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
37 seq.), shall adopt rules and regulations necessary to implement the
38 provisions of this act.

39
40 3. This act shall take effect immediately.

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43 STATEMENT

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45 This bill establishes requirements for out-of-State nurse aide and
46 personal care assistant certifications to be recognized in New
47 Jersey.

1 Specifically, an individual may apply to have an out-of-State
2 certification entered on the State registry of certified nurse aides
3 and personal care assistants if: (1) the Department of Health
4 receives documentation from the other state or U.S. territory that
5 the applicant holds a current, valid certification as a nurse aide or
6 personal care assistant in the state or territory; (2) the applicant has
7 not been convicted of any crimes and has no documented findings
8 of abuse, neglect, or misappropriation of resident property in the
9 other state or territory; (3) the applicant successfully completes a
10 criminal history record background check; and (4) the applicant has
11 either completed a training and competency evaluation program at
12 least equal to that required in New Jersey or meets certain work
13 experience requirements.

14 An applicant requesting that an out-of-State certification be
15 entered on the New Jersey registry on the basis of work experience
16 will be required to have the equivalent of at least five years of full
17 time professional employment in the other state or territory, with
18 the last date of such employment falling within the 24 month period
19 immediately preceding the date of the application. In addition, the
20 Department of Health may require an individual requesting
21 certification on the basis of work experience to complete an
22 equivalency examination to verify the individual meets New
23 Jersey's training and competency requirements.

24 Although current regulations provide, under N.J.A.C.8:39-43.9,
25 reciprocity for nurse aides who are certified to practice in other
26 states, the regulations do not currently allow reciprocity on the basis
27 of work experience or expressly provide reciprocity for personal
28 care assistants. In some cases, qualified nurse aides and personal
29 care assistants coming into New Jersey from out-of-State will have
30 extensive professional experience and a clean professional record,
31 but may be unable to provide evidence of completing a training
32 program because the program only retains student records for a
33 limited period. In such cases, these individuals are required to
34 expend additional time and money unnecessarily repeating training
35 courses and examinations that they have already completed.

36 It is the sponsor's intent to facilitate the process of allowing
37 qualified nurse aides and personal care assistants from outside the
38 State to relocate to New Jersey and begin providing services while
39 ensuring these professionals are compliant with New Jersey's high
40 standards for professional training and competency, patient safety,
41 and quality of care.