

SENATE JUDICIARY COMMITTEE

STATEMENT TO

[Second Reprint] **ASSEMBLY, No. 995**

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 14, 1997

The Senate Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 995 (2R).

This bill would bar persons who have been convicted of certain crimes and disorderly persons offenses facilities, home health care agencies, nurses' registries, employment agencies, or temporary help agencies which employ persons who serve the elderly. The bills define "facility" to mean any facility to mean any facility or institution, whether public or private, offering health or health related services for the institutionalized elderly, and which is subject to regulation, visitation, inspection, or supervision by any government agency. Facility includes, but is not limited to, nursing homes, rehabilitation centers, residential health care facilities, general hospitals, special hospitals, chronic disease hospitals, psychiatric hospitals, developmental disabilities centers or facilities, day care facilities for the elderly, medical day care centers and licensed home health care agencies.

Under the provisions of this bill, no person could: (1) be hired by a facility, whether public or private, offering health related services for the institutionalized elderly; or (2) provide any home health care services to the elderly, until the Commissioner of Health, in the case of a facility, and the Director of the Division of Consumer Affairs in the Department of Law and Public Safety, in the case of home health care agencies, nurses' registries, employment agencies, or temporary help agencies, determines that the person has not been convicted of any of the crimes or offenses set forth in the bill.

The criminal offenses listed in the bill include homicide, assault, kidnaping, robbery, theft and serious drug offenses. Criminal history record background checks would be initiated by the Department of Health or the Division of Consumer Affairs and completed by the State Police and the Federal Bureau of Investigation upon payment of the necessary fees.

The applicant would have 30 days from the date of a disqualification notice to petition the Commissioner of Health or the

Director of the Division of Consumer Affairs, as the case may be, for a hearing on the accuracy of the criminal records or to demonstrate his rehabilitation. Conditional employment for up to 180 days would be allowed during an applicant's background check if the applicant submits a sworn statement that he has not been convicted of any of the disqualifying offenses or crimes.

The committee amendments clarified that a person such as a nurse or doctor already licensed by the State could be hired by the facilities covered by the bill without undergoing a criminal history background check. The amendments also clarified if a person submits a false statement in connection with an employment application he would be disqualified and would not have an opportunity for rehabilitation. In addition, the amendments clarify that if a conditionally employed person disputes the accuracy of his criminal history information and request a hearing , that employee would not be permitted to have unsupervised contact with a patient or client pending the outcome of his appeal.