

ASSEMBLY, No. 2697

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 3, 1997

By Assemblymen **HOLZAPFEL** and **WOLFE**

1 AN ACT concerning homemaker-home health aides and amending  
2 P.L.1947, c.262 and P.L.1990, c.125.

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

6  
7 1. Section 2 of P.L.1947, c.262 (C.45:11-24) is amended to read  
8 as follows:

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

25 b. Qualifications for appointment. The nurse practitioner/clinical  
26 nurse specialist member shall be a resident of this State, shall be a  
27 graduate of an accredited nurse practitioner/clinical nurse specialist  
28 program, shall have had at least five years' experience in professional  
29 nursing, shall at the time of appointment be actively working as a  
30 nurse practitioner/clinical nurse specialist, and, except for the member  
31 first appointed, shall hold a certification as a nurse practitioner/clinical  
32 nurse specialist pursuant to P.L.1991, c.377 (C.45:11-45 et al.). Each  
33 registered professional nurse member of the board shall be a citizen of  
34 the United States and a resident of this State; shall be a graduate of an

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 accredited school of nursing within the United States; shall be a  
2 registered nurse in this State; shall have had at least five years'  
3 experience in professional nursing following graduation from an  
4 accredited school of nursing; and shall at the time of appointment be  
5 actively engaged in nursing or work relating thereto. The licensed  
6 practical nurse members of the board shall be citizens of the United  
7 States and residents of this State; shall hold a valid license to practice  
8 practical nursing in this State; shall have had at least three years'  
9 experience in practical nursing; and shall at the time of appointment be  
10 actively engaged in practical nursing or work related thereto.

11 c. Oath or affirmation of office. Within 30 days after receipt of the  
12 commission, each appointee shall take, subscribe and file in the office  
13 of the Secretary of State the oath or affirmation prescribed by law.

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

1 authenticated by any member of the board under its seal and when so  
2 authenticated shall be evidence in all courts of this State of the same  
3 weight and force as the original thereof. For authenticating a copy of  
4 any entry or entries contained in its record the board shall be paid a fee  
5 of \$3.00, but such authentication, if made at the request of any public  
6 agency of this or any other jurisdiction, may be without fee. (11) In its  
7 discretion it may publish at such times as it shall determine a list of  
8 nurses licensed under this act, a list of schools of nursing accredited  
9 or approved under this act, and such other information as it shall deem  
10 advisable. (12) It shall prescribe standards and curricula for schools of  
11 nursing and evaluate and approve courses for affiliation. (13) It shall  
12 hear and determine applications for accreditation of schools of  
13 professional nursing, conduct investigations before and after  
14 accreditation of such schools and institutions with which they are  
15 affiliated, and issue, suspend or revoke certificates of accreditation as  
16 hereinafter provided. (14) It shall approve schools of practical nursing  
17 which shall conform to the standards, curricula, and requirements  
18 prescribed by the board, and suspend or revoke approval for violations  
19 thereof; provided, that this power shall not extend to schools operated  
20 by any board of education in this State. (15) It may consult with the  
21 Medical Society of New Jersey and the New Jersey Hospital  
22 Association with respect to any matter relating to the administration  
23 of this act and shall consult with those associations with respect to  
24 standards and curricula and any change thereof for schools of nursing.  
25 (16) It shall issue subpoenas for the attendance of witnesses and  
26 production of documents at any hearing before the board authorized  
27 by this act and any member of the board shall administer an oath or  
28 affirmation to persons appearing to give testimony at such hearings.  
29 (17) It may conduct any investigations, studies of nursing and nursing  
30 education and related matters, and prepare and issue such publications  
31 as in the judgment of the board will advance the profession of nursing  
32 and its service to the public. (18) It shall perform all other functions  
33 which are provided in this act to be performed by it or which in the  
34 judgment of the board are necessary or proper for the administration  
35 of this act. (19) It shall from time to time prescribe rules and  
36 regulations not inconsistent with this act. (20) It shall prescribe  
37 standards and curricula for homemaker-home health aide education  
38 and training programs which a homemaker-home health aide shall  
39 complete in order to work in this State. (21) It shall review  
40 applications to provide homemaker-home health aide training  
41 programs and shall issue, suspend or revoke program approval. (22)  
42 It shall establish and maintain a registry of all individuals who have  
43 successfully completed a homemaker-home health aide training and  
44 competency evaluation program. The registry shall provide for the  
45 inclusion of specific documented findings of patient abuse or  
46 misappropriation of resident property involving an individual listed in

1 the registry, as well as any brief statement of the individual disputing  
2 the findings. In the case of inquiries to the registry concerning an  
3 individual listed in the registry, any information disclosed concerning  
4 the finding shall also include disclosure of any statement in the registry  
5 relating to the finding or a clear and accurate summary of that  
6 statement. (23) It shall prescribe standards and requirements for a  
7 standardized, written competency evaluation program resulting in  
8 certification of the homemaker-home health aide, and the renewal,  
9 revocation, and suspension of that certification. (24) It shall review  
10 applications for homemaker home-health aide certification and shall  
11 issue, suspend, revoke, or fail to renew certifications and conduct  
12 investigations pursuant to the provisions of P.L.1978, c.73 (C.45:1-14  
13 et seq.).

14 e. Compensation. Each member of the board shall receive \$15.00  
15 per day for each day in which such member is actually engaged in the  
16 discharge of duties and traveling and other expenses necessarily  
17 incurred in the discharge of duties.

18 (cf: P.L.1991, c.377, s.3)

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20 2. Section 1 of P.L.1990, c.125 ( C.45:11-24.2) is amended to read  
21 as follows:

22 1. [The] In the case of an applicant for homemaker-home health  
23 aide certification who, as determined by the board, has a language or  
24 literacy barrier that would impede successful performance on a written  
25 competency evaluation, the board shall [provide that a person]  
26 prescribe standards and requirements for an alternate means of  
27 assessing competency which [may]shall satisfy the [examination]  
28 standardized, written competency evaluation requirement pursuant to  
29 paragraph (23) of subsection d. of section 2 of P.L.1947, c.262  
30 (C.45:11-24) for certification as a homemaker-home health aide [by  
31 passing an oral competency evaluation in English or Spanish].

32 (cf: P.L.1990, c.125, s.1)

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34 3. A homemaker-home health aide who is certified and in  
35 employment on the effective date of this act, may continue in  
36 employment if, upon the next renewal of his certification, he  
37 successfully completes the standardized, written competency  
38 evaluation program, pursuant to paragraph (23) of subsection d. of  
39 section 2 of P.L.1947, c.262 (C.45:11-24) or the alternate means of  
40 assessing competency pursuant to section 1 of P.L.1990, c.125  
41 (C.45:11-24.2), as appropriate.

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43 4. The New Jersey Board of Nursing, pursuant to the  
44 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
45 seq.), shall adopt rules and regulations to effectuate the purposes of  
46 this act.

1       5. This act shall take effect on the 120th day after enactment.

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#### STATEMENT

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6       This bill requires that the New Jersey Board of Nursing prescribe  
7 standards and requirements for a standardized, written competency  
8 evaluation program for homemaker-home health aide certification.  
9 Under current law, the New Jersey Board of Nursing approves the  
10 training programs offered to homemaker-home health aides, but there  
11 is no standardized, written competency evaluation which is overseen  
12 by the board. In order to allow those persons currently certified as  
13 homemaker-home health aides to maintain their positions, the bill  
14 provides that those aides who are certified and in employment on the  
15 effective date of the bill may continue in employment if they  
16 successfully complete the standardized written evaluations upon  
17 certification renewal (which occurs every two years). Also, to  
18 accommodate those homemaker-home health aides who have a  
19 language or literacy barrier that would impede successful performance  
20 on a written competency evaluation, the board would prescribe the  
21 standards and requirements for an alternate competency evaluation,  
22 which would satisfy the written evaluation requirement.

23       The bill also provides that the current registry of certified  
24 homemaker-home health aides include specific documented findings of  
25 patient abuse or misappropriation of resident property involving an  
26 individual listed in the registry, as well as any brief statement of the  
27 individual disputing the findings. In the case of inquiries to the  
28 registry concerning an individual listed in the registry, any information  
29 disclosed concerning such a finding would also include disclosure of  
30 any statement in the registry relating to the finding or a clear and  
31 accurate summary of that statement.

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36       Requires written competency evaluation of homemaker-home health  
37 aides and a registry for documented findings of patient abuse.