

[First Reprint]
ASSEMBLY, No. 2697

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 3, 1997

By Assemblymen **HOLZAPFEL, WOLFE** and
Assemblywoman **Crecco**

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

3
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

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AHL committee amendments adopted June 12, 1997.

1 first appointed, shall hold a certification as a nurse practitioner/clinical
2 nurse specialist pursuant to P.L.1991, c.377 (C.45:11-45 et al.). Each
3 registered professional nurse member of the board shall be a citizen of
4 the United States and a resident of this State; shall be a graduate of an
5 accredited school of nursing within the United States; shall be a
6 registered nurse in this State; shall have had at least five years'
7 experience in professional nursing following graduation from an
8 accredited school of nursing; and shall at the time of appointment be
9 actively engaged in nursing or work relating thereto. The licensed
10 practical nurse members of the board shall be citizens of the United
11 States and residents of this State; shall hold a valid license to practice
12 practical nursing in this State; shall have had at least three years'
13 experience in practical nursing; and shall at the time of appointment be
14 actively engaged in practical nursing or work related thereto.

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

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

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

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

18 e. Compensation. Each member of the board shall receive \$15.00
19 per day for each day in which such member is actually engaged in the
20 discharge of duties and traveling and other expenses necessarily
21 incurred in the discharge of duties.

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

23

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

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

36 (cf: P.L.1990, c.125, s.1)]¹

37

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

46

1 ¹2. (New section) The New Jersey Board of Nursing, no later than
2 one year after the effective date of this act and annually thereafter,
3 shall report to the Governor and the Legislature on the status and
4 operations of the registry of all individuals who have successfully
5 completed a homemaker-home health aide training and competency
6 evaluation program, as described in (22) of subsection d. of section 2
7 of P.L.1947, c.262 (C.45:11-24).

8 The report shall include, but need not be limited to, the following
9 information:

10 a. the total number of individuals included in the registry;

11 b. the number of individuals who were added to the registry during
12 the period covered by the report;

13 c. the total number of documented incidents of patient abuse or
14 misappropriation of resident property involving such individuals which
15 have been recorded in the registry; and

16 d. the number of such incidents which were recorded in the registry
17 during the period covered by the report.¹

18
19 ¹[4.] 3.¹ The New Jersey Board of Nursing, pursuant to the
20 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
21 seq.), shall adopt rules and regulations to effectuate the purposes of
22 this act.

23
24 ¹[5.] 4.¹ This act shall take effect on the 120th day after
25 enactment.

26
27
28 _____
29
30 Requires current registry of certified homemaker-home health aides
31 maintained by State Board of Nursing include specific documented
32 findings of patient abuse by persons listed in the registry.