

LEGISLATIVE FISCAL ESTIMATE TO  
ASSEMBLY COMMITTEE SUBSTITUTE FOR  
ASSEMBLY, No. 2962

**STATE OF NEW JERSEY**

DATED: JULY 16, 1997

**Bill Summary:**

Assembly Committee Substitute for Assembly Bill No. 2962 of 1997 prohibits the Department of Health and Senior Services (DHSS) from issuing a nurse aide or personal care assistant certification and prohibits the New Jersey Board of Nursing from issuing a homemaker-home health aide certification to applicants who have not successfully completed a criminal history record background check. The cost of conducting the criminal history record background check may be paid for by either the employer or the applicant. An applicant may receive conditional certification in certain situations. An applicant who submits a false sworn statement is subject to a fine of not more than \$1,000.

**Agency Comments:**

DHSS and the Office of Management and Budget have not provided any fiscal information on the legislation.

**Office of Legislative Services Comments:**

There is no direct cost to the State as a result of this legislation as the cost of a criminal history record background check will be paid by either the employer or the applicant. An employer may be able to pass this cost on to the Medicaid program, though the extent to which the Medicaid program would reimburse for this cost would depend on the type of Medicaid service provided by the employer. An employer that provides nursing home services may be able to have the cost of a criminal history record background check reimbursed by Medicaid as nursing home reimbursement is based on the reasonable cost of providing nursing home services. An employer that provides home care services may not be able to have the cost of a criminal history record background check reimbursed by Medicaid as home care reimbursement is set at a fixed dollar amount irrespective of the actual cost of providing the service.

Finally, any additional administrative costs that DHSS may incur should be minimal as Assembly Committee Substitute for Assembly Bill No. 2964 of 1997 affects many of the same persons that are affected by P.L.1997, c.100. (P.L.1997, c.100 would bar persons who have been convicted of certain offenses or crimes from employment in various settings that serve person 60 years of age or older.)

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.