

P.L. 1997, CHAPTER 284, *approved January 6, 1998*
Assembly Committee Substitute (*First Reprint*) for
Assembly, No. 2962

1 **AN ACT** concerning criminal history record background checks of
2 applicants for certain certifications, amending the title and body of
3 P.L.1997, c.100, and repealing section 1 thereof.

4

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

7

8 1. The title of P.L.1997, c.100 is amended to read as follows:

9 **AN ACT** concerning criminal history record background checks for
10 certain persons [who care for the elderly] and supplementing Title
11 26, Title 45, and Title 53 of the Revised Statutes.
12 (cf: P.L.1997, c.100, title)

13

14 2. Section 2 of P.L.1997, c.100 (C.26:2H-83) is amended to read
15 as follows:

16 2. a. [A facility for the institutionalized elderly, as defined in
17 section 1 of P.L.1997, c.100 (C.26:2H-82), shall not hire any
18 unlicensed person serving in a position which involves regular contact
19 with a patient, resident or client as the case may be.] The Department
20 of Health and Senior Services shall not issue a nurse aide or personal
21 care assistant certification to any applicant, except on a conditional
22 basis as provided for in subsection d. of section 3 of P.L.1997, c.100
23 (C.26:2H-84), unless the Commissioner of Health and Senior Services
24 first determines, consistent with the requirements of sections 2 through
25 6 of P.L.1997, c.100 ([C.26:2H-82 et al.] C.26:2H-83 through 87),
26 that no criminal history record information exists on file in the Federal

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SJU committee amendments adopted November 17, 1997.

1 Bureau of Investigation, Identification Division, or in the State Bureau
2 of Identification in the Division of State Police, which would disqualify
3 that person from being [employed or utilized in such capacity or
4 position] certified. A person shall be disqualified from [employment
5 under P.L.1997, c.100 (C.26:2H-82 et al.)] certification if that
6 person's criminal history record background check reveals a record of
7 conviction of any of the following crimes and offenses:

8 (1) In New Jersey, any crime or disorderly persons offense:

9 (a) involving danger to the person, meaning those crimes and
10 disorderly persons offenses set forth in N.J.S.2C:11-1 et seq.,
11 N.J.S.2C:12-1 et seq., N.J.S.2C:13-1 et seq., N.J.S.2C:14-1 et seq. or
12 N.J.S.2C:15-1 et seq.; or

13 (b) against the family, children or incompetents, meaning those
14 crimes and disorderly persons offenses set forth in N.J.S.2C:24-1 et
15 seq.; or

16 (c) involving theft as set forth in chapter 20 of Title 2C of the
17 New Jersey Statutes; or

18 (d) involving any controlled dangerous substance or controlled
19 substance analog as set forth in chapter 35 of Title 2C of the New
20 Jersey Statutes except paragraph (4) of subsection a. of
21 N.J.S.2C:35-10.

22 (2) In any other state or jurisdiction, of conduct which, if
23 committed in New Jersey, would constitute any of the crimes or
24 disorderly persons offenses described in paragraph (1) of this
25 subsection.

26 b. Notwithstanding the provisions of subsection a. of this section,
27 no person shall be disqualified from [employment under P.L.1997,
28 c.100 (C.26:2H-82 et al.)] certification on the basis of any conviction
29 disclosed by a criminal history record background check performed
30 pursuant to sections 2 through 6 and section 14 of P.L.1997, c.100
31 ([C.26:2H-82 et al.] C.26:2H-83 through 87 and C.53:1-20.9a) if the
32 person has affirmatively demonstrated to the Commissioner of Health
33 and Senior Services clear and convincing evidence of the person's
34 rehabilitation. In determining whether a person has affirmatively
35 demonstrated rehabilitation, the following factors shall be considered:

36 (1) the nature and responsibility of the position which the
37 convicted person would hold or has held, as the case may be;

38 (2) the nature and seriousness of the offense;

39 (3) the circumstances under which the offense occurred;

40 (4) the date of the offense;

41 (5) the age of the person when the offense was committed;

42 (6) whether the offense was an isolated or repeated incident;

43 (7) any social conditions which may have contributed to the
44 offense; and

45 (8) any evidence of rehabilitation, including good conduct in

1 prison or in the community, counseling or psychiatric treatment
2 received, acquisition of additional academic or vocational schooling,
3 successful participation in correctional work-release programs, or the
4 recommendation of those who have had the person under their
5 supervision.

6 c. If a person subject to the provisions of sections 2 through 6 of
7 P.L.1997, c.100 ([C.26:2H-82 et al.] C.26:2H-83 through 87) refuses
8 to consent to, or cooperate in, the securing of a criminal history record
9 background check, the commissioner shall [direct the principal
10 administrator of the facility not to consider the person for
11 employment] not issue a nurse aide or personal care assistant
12 certification and shall notify the applicant, and the applicant's employer
13 if the applicant is conditionally employed as provided in subsection d.
14 of section 3 of P.L.1997, c.100 (C.26:2H-84) or the applicant's
15 prospective employer if known, of that denial.

16 (cf: P.L.1997, c.100, s.2)

17

18 3. Section 3 of P.L.1977, c.100 (C.26:2H-84) is amended to read
19 as follows:

20 3. a. An applicant for [employment at a facility] certification
21 shall submit to the Commissioner of Health and Senior Services the
22 applicant's name, address and fingerprints taken on standard
23 fingerprint cards by a State or municipal law enforcement agency. The
24 commissioner is authorized to exchange fingerprint data with and
25 receive criminal history record information from the Federal Bureau
26 of Investigation and the Division of State Police for use in making the
27 determinations required by sections 2 through 6 of P.L.1997,c.100
28 ([C.26:2H-82 et al.] C.26:2H-83 through 87).

29 b. Upon receipt of the criminal history record information for a
30 person from the Federal Bureau of Investigation or the Division of
31 State Police, the commissioner shall immediately notify, in writing, the
32 applicant, and the applicant's employer if the applicant is conditionally
33 employed as provided in subsection d. of this section or the applicant's
34 prospective employer[, in writing,] if known, of the person's
35 qualification or disqualification for [employment] certification under
36 sections 2 through 6 of P.L.1997,c.100 ([C.26:2H-82 et al.] C.26:2H-
37 83 through 87). If the applicant is disqualified, the conviction or
38 convictions which constitute the basis for the disqualification shall be
39 identified in the notice to the applicant, but shall not be identified in
40 the notice to the applicant's employer or prospective employer.

41 c. The applicant shall have 30 days from the date of the written
42 notice of disqualification to petition the commissioner for a hearing on
43 the accuracy of the applicant's criminal history record information or
44 to establish the applicant's rehabilitation under subsection b. of section
45 2 of P.L. 1997, c.100 (C.26:2H-83). The commissioner shall notify

1 the applicant's employer or prospective employer of the applicant's
2 petition for a hearing within five days following the receipt of the
3 petition from the applicant. Upon the issuance of a final decision upon
4 a petition to the commissioner pursuant to this subsection, the
5 commissioner shall notify the applicant and the applicant's employer or
6 prospective employer as to whether the applicant remains disqualified
7 from certification under sections 2 through 6 of P.L.1997, c. 100
8 (C.26:2H-83 through 87).

9 d. [A facility may employ a person] An applicant may be issued
10 conditional certification and may be employed as a nurse aide or a
11 personal care assistant conditionally for a period not to exceed 180
12 days, pending completion of a criminal history record background
13 check required under sections 2 through 6 of P.L.1997,c.100
14 ([C.26:2H-82 et al.] C.26:2H-83 through 87), if the person submits to
15 the commissioner a sworn statement attesting that the person has not
16 been convicted of any crime or disorderly persons offense as described
17 in section 2 of P.L.1997, c.100 (C.26:2H-83). A person who submits
18 a false sworn statement shall be disqualified from [employment by any
19 facility, home health care agency, nurses' registry, employment agency,
20 or temporary help agency,] certification as a nurse aide or a personal
21 care assistant, as the case may be, and shall not have an opportunity
22 to establish rehabilitation pursuant to subsection b. of section 2 of
23 P.L.1997, c.100 (C.26:2H-83). A conditionally employed person who
24 disputes the accuracy of the criminal history record information and
25 who files a petition requesting a hearing pursuant to subsection c. of
26 this section may remain employed [at the facility] by the employer until
27 the commissioner rules on the applicant's petition but, pending the
28 commissioner's ruling, the [facility] employer shall not permit the
29 applicant to have unsupervised contact with [elderly] patients,
30 residents or clients, as the case may be, who are 60 years of age or
31 older.

32 [A person who is to be employed in any substitute capacity or
33 position, who is rehired annually, shall only be required to undergo a
34 criminal history record check upon initial employment. A person who
35 has been qualified for employment as a result of a criminal history
36 record background check pursuant to P.L.1997, c.100 (C.26:2H-82 et
37 al.) may use that qualification to obtain employment with a
38 simultaneous or subsequent employer without having to undergo
39 another check required by P.L.1997,c.100 (C.26:2H-82 et al.) for a
40 period of 12 months from the date of the initial notice of qualification
41 from the commissioner. The person may request and the
42 commissioner shall send a notice of qualification upon request to
43 simultaneous or subsequent employers within 12 months following the
44 date of the initial qualification notice.

45 Prospective and conditionally employed persons shall retain any

1 available right of review provided to applicants under Title 11A of the
2 New Jersey Statutes.]
3 (cf: P.L.1997, c.100, s.3)

4

5 4. Section 4 of P.L.1997, c.100 (C.26:2H-85) is amended to read
6 as follows:

7 4. ~~[The] An applicant's employer if the applicant is conditionally~~
8 ~~employed as provided in subsection d. of section 3 of P.L.1997, c.100~~
9 ~~(C.26:2H-84) or an applicant's prospective employer may assume the~~
10 ~~cost of [all] the criminal history record background [checks] check~~
11 ~~conducted on [prospective employees] an applicant for nurse aide or~~
12 ~~personal care assistant certification, as the case may be, pursuant to~~
13 ~~sections 2 through 6 and section 14 of P.L.1997,c.100 ([C.26:2H-82~~
14 ~~et al.] C.26:2H-83 through 87 and C.53:1-20.9a); or the employer or~~
15 ~~prospective employer may require the [prospective employee]~~
16 ~~applicant to pay the cost of the criminal history record background~~
17 ~~[checks] check.~~

18 (cf: P.L.1997,c.100,s.4)

19

20 5. Section 6 of P.L.1997, c.100 (C.26:2H-87) is amended to read
21 as follows:

22 6. Any ~~[employer subject to the provisions of sections 1 through~~
23 ~~5 of P.L.1997, c.100 (C.26:2H-82 through C.26:2H-86) who fails to~~
24 ~~comply with those provisions or any] person submitting a false sworn~~
25 ~~statement pursuant to section 3 of P.L.1997, c.100 (C.26:2H-84) shall~~
26 ~~be subject to a fine of not more than \$1,000, which may be assessed~~
27 ~~by the Commissioner of Health and Senior Services.~~

28 (cf: P.L.1997,c.100,s.6)

29

30 6. Section 7 of P.L.1997, c.100 (C.45:11-24.3) is amended to read
31 as follows:

32 7. a. ~~[A home health care agency, nurses' registry, employment~~
33 ~~agency, or temporary help agency which is licensed or regulated by]~~
34 ~~The New Jersey Board of Nursing in the Division of Consumer Affairs~~
35 ~~in the Department of Law and Public Safety[,]~~ shall not ~~[hire a home~~
36 ~~health aide or other health care employee to serve in a position which~~
37 ~~involves regular contact with a patient or client who is 60 years of age~~
38 ~~or older,] issue a homemaker-home health aide certification to any~~
39 ~~applicant, except on a conditional basis as provided for in subsection~~
40 ~~d. of section 8 of P.L.1997, c.100 (C.45:11-24.4), unless the [director]~~
41 ~~board first determines, consistent with the requirements of sections 7~~
42 ~~through 13 of P.L.1997, c.100 ([C.26:2H-82 et al.] C.45:11-24.3~~
43 ~~through 24.9), that no criminal history record information exists on file~~
44 ~~in the Federal Bureau of Investigation, Identification Division, or in~~
45 ~~the State Bureau of Identification in the Division of State Police,~~

1 which would disqualify that person from being [employed or utilized
2 in such capacity or position] certified. A person shall be disqualified
3 from [employment under P.L.1997, c.100 (C.26:2H-82 et al.)]
4 certification if that person's criminal history record background check
5 reveals a record of conviction of any of the following crimes and
6 offenses:

- 7 (1) In New Jersey, any crime or disorderly persons offense:
8 (a) involving danger to the person, meaning those crimes and
9 disorderly persons offenses set forth in N.J.S.2C:11-1 et seq.,
10 N.J.S.2C:12-1 et seq., N.J.S.2C:13-1 et seq., N.J.S.2C:14-1 et seq. or
11 N.J.S.2C:15-1 et seq.; or
12 (b) against the family, children or incompetents, meaning those
13 crimes and disorderly persons offenses set forth in N.J.S.2C:24-1 et
14 seq.; or
15 (c) involving theft as set forth in chapter 20 of Title 2C of the
16 New Jersey Statutes; or
17 (d) involving any controlled dangerous substance or controlled
18 substance analog as set forth in chapter 35 of Title 2C of the New
19 Jersey Statutes except paragraph (4) of subsection a. of
20 N.J.S.2C:35-10.

21 (2) In any other state or jurisdiction, of conduct which, if
22 committed in New Jersey, would constitute any of the crimes or
23 disorderly persons offenses described in paragraph (1) of this
24 subsection.

25 b. Notwithstanding the provisions of subsection a. of this section,
26 no person shall be disqualified from [employment under P.L.1997,
27 c.100 (C.26:2H-82 et al.)] certification on the basis of any conviction
28 disclosed by a criminal history record background check performed
29 pursuant to sections 7 through 13 and section 14 of P.L.1997, c.100
30 ([C.26:2H-82 et al.] C.45:11-24.3 through 24.9 and C.53:1-20.9a) if
31 the person has affirmatively demonstrated to the [Director of] New
32 Jersey Board of Nursing in the Division of Consumer Affairs clear and
33 convincing evidence of the person's rehabilitation. In determining
34 whether a person has affirmatively demonstrated rehabilitation, the
35 following factors shall be considered:

- 36 (1) the nature and responsibility of the position which the
37 convicted person would hold or has held, as the case may be;
38 (2) the nature and seriousness of the offense;
39 (3) the circumstances under which the offense occurred;
40 (4) the date of the offense;
41 (5) the age of the person when the offense was committed;
42 (6) whether the offense was an isolated or repeated incident;
43 (7) any social conditions which may have contributed to the
44 offense; and
45 (8) any evidence of rehabilitation, including good conduct in

1 prison or in the community, counseling or psychiatric treatment
2 received, acquisition of additional academic or vocational schooling,
3 successful participation in correctional work-release programs, or the
4 recommendation of those who have had the person under their
5 supervision.

6 c. If a person subject to the provisions of sections 7 through 13 of
7 P.L.1997, c.100 ([C.26:2H-82 et al.] C.45:11-24.3 through 24.9)
8 refuses to consent to, or cooperate in, the securing of a criminal
9 history record background check, the [director] New Jersey Board of
10 Nursing shall [direct the home health care agency, nurses' registry,
11 employment agency, or temporary help agency not to consider the
12 person for employment] not issue a homemaker-home health aide
13 certification and shall notify the applicant, and the applicant's employer
14 if the applicant is conditionally employed as provided in subsection d.
15 of section 8 of P.L.1997, c.100 (C.45:11-24.4) or the applicant's
16 prospective employer if known, of that denial.

17 (cf: P.L.1977, c.100, s.7)

18

19 7. Section 8 of P.L.1997, c.100 (C.45:11-24.4) is amended to read
20 as follows:

21 8. a. [A home health aide or other health care employee who is
22 an] An applicant for [employment with a home health care agency,
23 nurses' registry, employment agency, or temporary help agency which
24 is licensed or regulated by the Division of Consumer Affairs]
25 homemaker-home health aide certification shall submit to the [Director
26 of the Division of Consumer Affairs] New Jersey Board of Nursing the
27 applicant's name, address and fingerprints taken on standard
28 fingerprint cards by [the] a State or municipal law enforcement
29 agency. The [director] board is authorized to exchange fingerprint
30 data with and receive criminal history record information from the
31 Federal Bureau of Investigation and the Division of State Police for
32 use in making the determinations required by sections 7 through 13 of
33 P.L.1997, c.100 ([C.26:2H-82 et al.] C.45:11-24.3 through 24.9).

34 b. Upon receipt of the criminal history record information for a
35 person from the Federal Bureau of Investigation or the Division of
36 State Police, the [director] New Jersey Board of Nursing shall
37 immediately notify, in writing, the applicant, and the applicant's
38 employer if the applicant is conditionally employed as provided in
39 subsection d. of this section or the applicant's prospective employer[,
40 in writing,] if known, of the person's qualification or disqualification
41 for [employment] homemaker-home health aide certification
42 sections 7 through 13 of P.L.1997, c.100 ([C.26:2H-82 et al.]
43 C.45:11-24.3 through 24.9). If the applicant is disqualified, the
44 conviction or convictions which constitute the basis for the
45 disqualification shall be identified in the notice to the applicant, but

1 shall not be identified in the notice to the applicant's employer or
2 prospective employer.

3 c. The applicant shall have 30 days from the date of the written
4 notice of disqualification to petition the [director] New Jersey Board
5 of Nursing for a hearing on the accuracy of the applicant's criminal
6 history record information or to establish the applicant's rehabilitation
7 under subsection b. of section 7 of P.L.1997, c.100 (C.45:11-24.3).
8 The [director] board shall notify the applicant's employer or
9 prospective employer of the applicant's petition for a hearing within
10 five days following the receipt of the petition from the applicant.
11 Upon the issuance of a final decision upon a petition to the board
12 pursuant to this subsection, the board shall notify the applicant and the
13 applicant's employer or prospective employer as to whether the
14 applicant remains disqualified from certification under sections 7
15 through 13 of P.L.1997, c.100 (C.45:11-24.3 through 24.9).

16 d. [A home health care agency, nurses' registry, employment
17 agency, or temporary help agency] An applicant may [employ a home
18 health aide or other health care employee] be issued conditional
19 certification and may be employed as a homemaker-home health aide
20 conditionally for a period not to exceed 180 days, pending completion
21 of a criminal history record background check required under sections
22 7 through 13 of P.L.1997, c.100 ([C.26:2H-82 et al.] C.45:11-24.3
23 through 24.9), if the person submits to the [director] New Jersey
24 Board of Nursing a sworn statement attesting that the person has not
25 been convicted of any crime or disorderly persons offense as described
26 in section 7 of P.L.1997, c.100 (C.45:11-24.3). A person who submits
27 a false sworn statement shall be disqualified from [employment by any
28 facility as defined in section 1 of P.L.1997, c.100 (C.26:2H-82),
29 agency or registry,] certification as a homemaker-home health aide and
30 shall not have an opportunity to establish rehabilitation pursuant to
31 subsection b. of section 7 of P.L.1997, c.100 (C.45:11-24.3). A
32 conditionally employed person who disputes the accuracy of the
33 criminal history record information and who files a petition requesting
34 a hearing pursuant to subsection c. of this section may remain
35 employed by the [employing agency or registry] employer until the
36 [director] board rules on the applicant's petition but, pending the
37 [director's] board's ruling, the [employing agency or registry]
38 employer shall not permit the applicant to have unsupervised contact
39 with patients or clients who are 60 years of age or older.

40 [A person who is to be employed in any substitute capacity or
41 position, who is rehired annually, shall only be required to undergo a
42 criminal history record check upon initial employment. A home health
43 aide or other health care employee who has been qualified for
44 employment as a result of a criminal history record background check
45 pursuant to P.L.1997, c.100 (C.26:2H-82 et al.) may use that

1 qualification to obtain employment with a simultaneous or subsequent
2 employer without having to undergo another check required by
3 P.L.1997, c.100 (C.26:2H-82 et al.) for a period of 12 months from
4 the date of the initial notice of qualification from the director. The
5 aide or employee may request and the director shall send a notice of
6 qualification upon request to simultaneous or subsequent employers
7 within 12 months following the date of the initial qualification notice.]
8 (cf: P.L.1997, c.100, s.8)

9
10 8. Section 9 of P.L.1997, c.100 (C.45:11-24.5) is amended to read
11 as follows:

12 9. [The] A home health [care] agency[, nurses' registry,
13 employment agency, or temporary help agency] or a health care
14 service firm, as defined in regulations of the Division of Consumer
15 Affairs, may assume the cost of [all] the criminal history record
16 background [checks] check conducted on [prospective employees] an
17 applicant for homemaker-home health aide certification pursuant to
18 sections 7 through 13 and section 14 of P.L.1997, c.100 (C.26:2H-82
19 et al.) C.45:11-24.3 through 24.9 and C.53:1-20.9a); or it may require
20 the [prospective employee] applicant to pay the cost of the criminal
21 history record background [checks] check.

22 (cf: P.L.1997, c.100, s.9)

23

24 9. Section 10 of P.L.1997, c.100 (C.45:11-24.6) is amended to
25 read as follows:

26 10. The Division of Consumer Affairs shall require that the New
27 Jersey Board of Nursing issue biennial recertifications to homemaker-
28 home health aides only upon receiving documented proof from a home
29 health [care] agency or health care service firm that the homemaker-
30 home health aide is currently employed and regularly supervised by a
31 registered professional nurse.

32 (cf: P.L.1997, c.100, s.10)

33

34 10. Section 11 of P.L.1997, c.100 (C.45:11-24.7) is amended to
35 read as follows:

36 11. The Division of Consumer Affairs shall require that a New
37 Jersey Board of Nursing certificate issued to a homemaker-home
38 health aide contain the following statement: "Valid only if certified
39 homemaker-home health aide is employed by a home [care services]
40 health agency or health care service firm and is performing delegated
41 nursing regimen or nursing tasks delegated through the authority of a
42 duly licensed registered professional nurse."

43 (cf: P.L.1997, c.100, s.11)

44

45 11. Section 12 of P.L.1997, c.100 (C.45:11-24.8) is amended to

1 read as follows:

2 12. In accordance with the "Administrative Procedure Act,"
3 P.L.1968, c.410 (C.52:14B-1 et seq.), the [Director of] New Jersey
4 Board of Nursing in the Division of Consumer Affairs shall adopt rules
5 and regulations necessary to implement the provisions of sections 7
6 through 9 and section 13 of P.L.1997, c.100 (C.45:11-24.3 through
7 24.5 and C.45:11-24.9).

8 (cf: P.L.1997, c.100, s.12)

9

10 12. Section 13 of P.L.1997, c.100 (C.45:11-24.9) is amended to
11 read as follows:

12 13. Any [employer subject to the provisions of sections 7 through
13 9 and section 12 of P.L.1997, c.100 (C.45:11-24.3 through
14 C.45:11-24.5 and C.45:11-24.8) who fails to comply with those
15 provisions or any] person submitting a false sworn statement pursuant
16 to section 8 of P.L.1997, c.100 (C.45:11-24.4) shall be subject to a
17 fine of not more than \$1,000, which may be assessed by the New
18 Jersey Board of Nursing.

19 (cf: P.L.1997,c.100,s.13)

20

21 13. Section 14 of P.L.1997, c.100 (C.53:1-20.9a) is amended to
22 read as follows:

23 14. [The] In accordance with the provisions of sections 2 through
24 6 and sections 7 through 13 of P.L.1997, c.100 (C.26:2H-83 through
25 87; C.45:11-24.3 through 24.9), the Division of State Police in the
26 Department of Law and Public Safety shall conduct a criminal history
27 record background check, including a name and fingerprint
28 identification check, of each [prospective employee of a facility as
29 defined in section 1 of P.L.1997, c.100 (C.26:2H-82) or of a home
30 health care agency, nurses' registry, employment agency, or temporary
31 help agency licensed or regulated by the Director of] applicant for
32 nurse aide or personal care assistant certification submitted to the
33 Department of Health and Senior Services and of each applicant for
34 homemaker-home health aide certification submitted to the New Jersey
35 Board of Nursing in the Division of Consumer Affairs. [The
36 requirement of a criminal history record background check shall apply
37 only to a prospective employee who is or would be serving in a
38 position which involves regular contact with a patient, resident or
39 client as the case may be, who is 60 years of age or older.]

40 For the purpose of conducting the criminal history record
41 background check, the Division of State Police shall examine its own
42 files and arrange for a similar examination by federal authorities. The
43 division shall immediately forward the information obtained as a result
44 of conducting the check to the Commissioner of Health and Senior
45 Services, in the case of [a facility] an applicant for nurse aide or

1 personal care assistant certification, and to the [Director of] New
2 Jersey Board of Nursing in the Division of Consumer Affairs in the
3 Department of Law and Public Safety, in the case of [a home health
4 care agency, nurses' registry, employment agency, or temporary help
5 agency] an applicant for homemaker-home health aide certification.
6 (cf: P.L.1997, c.100, s.14)

7

8 14. Section 1 of P.L.1997, c.100 (C.26:2H-82) is repealed.

9

10 15. This act shall take effect¹[on the first day of the sixth month
11 after enactment]immediately¹.

12

13

14

15

16 _____
17 Requires criminal background checks for nurse aide, personal care
assistant, and homemaker-home health aide certification applicants.