

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE, No. 2105

STATE OF NEW JERSEY

ADOPTED NOVEMBER 17, 1997

Sponsored by Senators BUBBA and CONNORS

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

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

2 (a) involving danger to the person, meaning those crimes and  
3 disorderly persons offenses set forth in N.J.S.2C:11-1 et seq.,  
4 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  
5 N.J.S.2C:15-1 et seq.; or

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

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

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

15 (2) In any other state or jurisdiction, of conduct which, if  
16 committed in New Jersey, would constitute any of the crimes or  
17 disorderly persons offenses described in paragraph (1) of this  
18 subsection.

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

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

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

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

33 (4) the date of the offense;

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

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

36 (7) any social conditions which may have contributed to the  
37 offense; and

38 (8) any evidence of rehabilitation, including good conduct in  
39 prison or in the community, counseling or psychiatric treatment  
40 received, acquisition of additional academic or vocational schooling,  
41 successful participation in correctional work-release programs, or the  
42 recommendation of those who have had the person under their  
43 supervision.

44 c. If a person subject to the provisions of sections 2 through 6 of  
45 P.L.1997, c.100 ([C.26:2H-82 et al.] C.26:2H-83 through 87) refuses  
46 to consent to, or cooperate in, the securing of a criminal history record

1 background check, the commissioner shall [direct the principal  
2 administrator of the facility not to consider the person for  
3 employment] not issue a nurse aide or personal care assistant  
4 certification and shall notify the applicant, and the applicant's employer  
5 if the applicant is conditionally employed as provided in subsection d.  
6 of section 3 of P.L.1997, c.100 (C.26:2H-84) or the applicant's  
7 prospective employer if known, of that denial.

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

9

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

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

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

33 c. The applicant shall have 30 days from the date of the written  
34 notice of disqualification to petition the commissioner for a hearing on  
35 the accuracy of the applicant's criminal history record information or  
36 to establish the applicant's rehabilitation under subsection b. of section  
37 2 of P.L. 1997, c.100 (C.26:2H-83). The commissioner shall notify  
38 the applicant's employer or prospective employer of the applicant's  
39 petition for a hearing within five days following the receipt of the  
40 petition from the applicant. Upon the issuance of a final decision upon  
41 a petition to the commissioner pursuant to this subsection, the  
42 commissioner shall notify the applicant and the applicant's employer or  
43 prospective employer as to whether the applicant remains disqualified  
44 from certification under sections 2 through 6 of P.L.1997, c. 100  
45 (C.26:2H-83 through 87).

46 d. [A facility may employ a person] An applicant may be issued

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

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

36 Prospective and conditionally employed persons shall retain any  
37 available right of review provided to applicants under Title 11A of the  
38 New Jersey Statutes.]

39 (cf: P.L.1997, c.100, s.3)

40

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

43 4. [The] An applicant's employer if the applicant is conditionally  
44 employed as provided in subsection d. of section 3 of P.L.1997, c.100  
45 (C.26:2H-84) or an applicant's prospective employer may assume the  
46 cost of [all] the criminal history record background [checks] check

1 conducted on [prospective employees] an applicant for nurse aide or  
2 personal care assistant certification, as the case may be, pursuant to  
3 sections 2 through 6 and section 14 of P.L.1997,c.100 ([C.26:2H-82  
4 et al.] C.26:2H-83 through 87 and C.53:1-20.9a); or the employer or  
5 prospective employer may require the [prospective employee]  
6 applicant to pay the cost of the criminal history record background  
7 [checks] check.

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

9

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

12 6. Any [employer subject to the provisions of sections 1 through  
13 5 of P.L.1997, c.100 (C.26:2H-82 through C.26:2H-86) who fails to  
14 comply with those provisions or any] person submitting a false sworn  
15 statement pursuant to section 3 of P.L.1997, c.100 (C.26:2H-84) shall  
16 be subject to a fine of not more than \$1,000, which may be assessed  
17 by the Commissioner of Health and Senior Services.

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

19

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

22 7. a. [A home health care agency, nurses' registry, employment  
23 agency, or temporary help agency which is licensed or regulated by]  
24 The New Jersey Board of Nursing in the Division of Consumer Affairs  
25 in the Department of Law and Public Safety[,] shall not [hire a home  
26 health aide or other health care employee to serve in a position which  
27 involves regular contact with a patient or client who is 60 years of age  
28 or older,] issue a homemaker-home health aide certification to any  
29 applicant, except on a conditional basis as provided for in subsection  
30 d. of section 8 of P.L.1997, c.100 (C.45:11-24.4), unless the  
31 [director] board first determines, consistent with the requirements of  
32 sections 7 through 13 of P.L.1997, c.100 ([C.26:2H-82 et al.]  
33 C.45:11-24.3 through 24.9), that no criminal history record  
34 information exists on file in the Federal Bureau of Investigation,  
35 Identification Division, or in the State Bureau of Identification in the  
36 Division of State Police, which would disqualify that person from  
37 being [employed or utilized in such capacity or position] certified. A  
38 person shall be disqualified from [employment under P.L.1997, c.100  
39 (C.26:2H-82 et al.)] certification if that person's criminal history  
40 record background check reveals a record of conviction of any of the  
41 following crimes and offenses:

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

43 (a) involving danger to the person, meaning those crimes and  
44 disorderly persons offenses set forth in N.J.S.2C:11-1 et seq.,  
45 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  
46 N.J.S.2C:15-1 et seq.; or

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

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

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

10 (2) In any other state or jurisdiction, of conduct which, if  
11 committed in New Jersey, would constitute any of the crimes or  
12 disorderly persons offenses described in paragraph (1) of this  
13 subsection.

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

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

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

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

29 (4) the date of the offense;

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

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

32 (7) any social conditions which may have contributed to the  
33 offense; and

34 (8) any evidence of rehabilitation, including good conduct in  
35 prison or in the community, counseling or psychiatric treatment  
36 received, acquisition of additional academic or vocational schooling,  
37 successful participation in correctional work-release programs, or the  
38 recommendation of those who have had the person under their  
39 supervision.

40 c. If a person subject to the provisions of sections 7 through 13 of  
41 P.L.1997, c.100 ([C.26:2H-82 et al.] C.45:11-24.3 through 24.9)  
42 refuses to consent to, or cooperate in, the securing of a criminal  
43 history record background check, the [director] New Jersey Board of  
44 Nursing shall [direct the home health care agency, nurses' registry,  
45 employment agency, or temporary help agency not to consider the  
46 person for employment] not issue a homemaker-home health aide

1 certification and shall notify the applicant, and the applicant's employer  
2 if the applicant is conditionally employed as provided in subsection d.  
3 of section 8 of P.L.1997, c.100 (C.45:11-24.4) or the applicant's  
4 prospective employer if known, of that denial.

5 (cf: P.L.1997, c.100, s.7)

6  
7 7. Section 8 of P.L.1997, c.100 (C.45:11-24.4) is amended to read  
8 as follows:

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

22 b. Upon receipt of the criminal history record information for a  
23 person from the Federal Bureau of Investigation or the Division of  
24 State Police, the [director] New Jersey Board of Nursing shall  
25 immediately notify, in writing, the applicant, and the applicant's  
26 employer if the applicant is conditionally employed as provided in  
27 subsection d. of this section or the applicant's prospective employer[,  
28 in writing,] if known, of the person's qualification or disqualification  
29 for [employment] homemaker-home health aide certification under  
30 sections 7 through 13 of P.L.1997, c.100 ([C.26:2H-82 et al.]  
31 C.45:11-24.3 through 24.9). If the applicant is disqualified, the  
32 conviction or convictions which constitute the basis for the  
33 disqualification shall be identified in the notice to the applicant, but  
34 shall not be identified in the notice to the applicant's employer or  
35 prospective employer.

36 c. The applicant shall have 30 days from the date of the written  
37 notice of disqualification to petition the [director] New Jersey Board  
38 of Nursing for a hearing on the accuracy of the applicant's criminal  
39 history record information or to establish the applicant's rehabilitation  
40 under subsection b. of section 7 of P.L.1997, c.100 (C.45:11-24.3).  
41 The [director] board shall notify the applicant's employer or  
42 prospective employer of the applicant's petition for a hearing within  
43 five days following the receipt of the petition from the applicant.  
44 Upon the issuance of a final decision upon a petition to the board  
45 pursuant to this subsection, the board shall notify the applicant and the  
46 applicant's employer or prospective employer as to whether the

1 applicant remains disqualified from certification under sections 7  
2 through 13 of P.L.1997, c.100 (C.45:11-24.3 through 24.9).

3 d. [A home health care agency, nurses' registry, employment  
4 agency, or temporary help agency] An applicant may [employ a home  
5 health aide or other health care employee] be issued conditional  
6 certification and may be employed as a homemaker-home health aide  
7 conditionally for a period not to exceed 180 days, pending completion  
8 of a criminal history record background check required under sections  
9 7 through 13 of P.L.1997, c.100 ([C.26:2H-82 et al.] C.45:11-24.3  
10 through 24.9), if the person submits to the [director] New Jersey  
11 Board of Nursing a sworn statement attesting that the person has not  
12 been convicted of any crime or disorderly persons offense as described  
13 in section 7 of P.L.1997, c.100 (C.45:11-24.3). A person who submits  
14 a false sworn statement shall be disqualified from [employment by any  
15 facility as defined in section 1 of P.L.1997, c.100 (C.26:2H-82),  
16 agency or registry,] certification as a homemaker-home health aide and  
17 shall not have an opportunity to establish rehabilitation pursuant to  
18 subsection b. of section 7 of P.L.1997, c.100 (C.45:11-24.3). A  
19 conditionally employed person who disputes the accuracy of the  
20 criminal history record information and who files a petition requesting  
21 a hearing pursuant to subsection c. of this section may remain  
22 employed by the [employing agency or registry] employer until the  
23 [director] board rules on the applicant's petition but, pending the  
24 [director's] board's ruling, the [employing agency or registry]  
25 employer shall not permit the applicant to have unsupervised contact  
26 with patients or clients who are 60 years of age or older.

27 [A person who is to be employed in any substitute capacity or  
28 position, who is rehired annually, shall only be required to undergo a  
29 criminal history record check upon initial employment. A home health  
30 aide or other health care employee who has been qualified for  
31 employment as a result of a criminal history record background check  
32 pursuant to P.L.1997, c.100 (C.26:2H-82 et al.) may use that  
33 qualification to obtain employment with a simultaneous or subsequent  
34 employer without having to undergo another check required by  
35 P.L.1997, c.100 (C.26:2H-82 et al.) for a period of 12 months from  
36 the date of the initial notice of qualification from the director. The  
37 aide or employee may request and the director shall send a notice of  
38 qualification upon request to simultaneous or subsequent employers  
39 within 12 months following the date of the initial qualification notice.]  
40 (cf: P.L.1997, c.100, s.8)

41

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

44 9. [The] A home health [care] agency[, nurses' registry,  
45 employment agency, or temporary help agency] or a health care  
46 service firm, as defined in regulations of the Division of Consumer



1 Affairs. may assume the cost of [all] the criminal history record  
2 background [checks] check conducted on [prospective employees] an  
3 applicant for homemaker-home health aide certification pursuant to  
4 sections 7 through 13 and section 14 of P.L.1997, c.100 (C.26:2H-82  
5 et al.) C.45:11-24.3 through 24.9 and C.53:1-20.9a); or it may require  
6 the [prospective employee] applicant to pay the cost of the criminal  
7 history record background [checks] check.

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

9

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

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

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

19

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

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

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

30

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

33 12. In accordance with the "Administrative Procedure Act,"  
34 P.L.1968, c.410 (C.52:14B-1 et seq.), the [Director of] New Jersey  
35 Board of Nursing in the Division of Consumer Affairs shall adopt rules  
36 and regulations necessary to implement the provisions of sections 7  
37 through 9 and section 13 of P.L.1997, c.100 (C.45:11-24.3 through  
38 24.5 and C.45:11-24.9).

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

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

3       13. Any [employer subject to the provisions of sections 7 through  
4 9 and section 12 of P.L.1997, c.100 (C.45:11-24.3 through  
5 C.45:11-24.5 and C.45:11-24.8) who fails to comply with those  
6 provisions or any] person submitting a false sworn statement pursuant  
7 to section 8 of P.L.1997, c.100 (C.45:11-24.4) shall be subject to a  
8 fine of not more than \$1,000, which may be assessed by the New  
9 Jersey Board of Nursing.  
10 (cf: P.L.1997,c.100,s.13)

11

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

14       14. [The] In accordance with the provisions of sections 2 through  
15 6 and sections 7 through 13 of P.L.1997, c.100 (C.26:2H-83 through  
16 87; C.45:11-24.3 through 24.9), the Division of State Police in the  
17 Department of Law and Public Safety shall conduct a criminal history  
18 record background check, including a name and fingerprint  
19 identification check, of each [prospective employee of a facility as  
20 defined in section 1 of P.L.1997, c.100 (C.26:2H-82) or of a home  
21 health care agency, nurses' registry, employment agency, or temporary  
22 help agency licensed or regulated by the Director of ] applicant for  
23 nurse aide or personal care assistant certification submitted to the  
24 Department of Health and Senior Services and of each applicant for  
25 homemaker-home health aide certification submitted to the New Jersey  
26 Board of Nursing in the Division of Consumer Affairs. [The  
27 requirement of a criminal history record background check shall apply  
28 only to a prospective employee who is or would be serving in a  
29 position which involves regular contact with a patient, resident or  
30 client as the case may be, who is 60 years of age or older.]

31       For the purpose of conducting the criminal history record  
32 background check, the Division of State Police shall examine its own  
33 files and arrange for a similar examination by federal authorities. The  
34 division shall immediately forward the information obtained as a result  
35 of conducting the check to the Commissioner of Health and Senior  
36 Services, in the case of [a facility] an applicant for nurse aide or  
37 personal care assistant certification, and to the [Director of] New  
38 Jersey Board of Nursing in the Division of Consumer Affairs in the  
39 Department of Law and Public Safety, in the case of [a home health  
40 care agency, nurses' registry, employment agency, or temporary help  
41 agency] an applicant for homemaker-home health aide certification.  
42 (cf: P.L.1997, c.100, s.14)

43

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

1       15. This act shall take effect immediately.

2

3

4

5

6       Requires criminal background checks for nurse aide, personal care  
7       assistant, and homemaker-home health aide certification applicants.