

# LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

**ASSEMBLY, No. 5059**

## **STATE OF NEW JERSEY 219th LEGISLATURE**

DATED: MARCH 3, 2021

### **SUMMARY**

|                           |  |
|---------------------------|--|
| <b>Synopsis:</b>          | Requires DOH to establish certain nursing education and professional advancement programs.     |
| <b>Type of Impact:</b>    | State Expenditure Increase.  |
| <b>Agencies Affected:</b> | Department of Health. Division of Consumer Affairs in the Department of Law and Public Safety. |

#### **Office of Legislative Services Estimate**

| <b>Fiscal Impact</b>       | <b><u>Annual</u></b> |
|----------------------------|----------------------|
| <b>State Cost Increase</b> | Indeterminate        |

- The Office of Legislative Services (OLS) estimates the Department of Health (DOH) will incur indeterminate costs in developing certain nursing educational programs, as outlined under the bill. The OLS assumes that such costs will be largely due to consulting with the Association for Professionals in Infection Control and Epidemiology (APIC), as authorized under the bill, and contracting with the association for use of their existing program; however, the OLS does not have access to any data to quantify these expenses.
- The OLS concludes that the New Jersey Board of Nursing will incur an indeterminate increase in costs to assist the DOH in reviewing certain nursing curriculum and requirements. The OLS assumes that the Board, as the entity responsible for licensing nurses and for approving nursing education programs, will be capable of complying with these provisions with minimal expense.
- The OLS estimates that any methods developed by the DOH to encourage and incentivize nurses to enroll in and complete the various training opportunities established under the bill will likely add additional expenses to the underlying costs of establishing those programs. However, as the nature of such methods are yet to be determined, the OLS cannot quantify these costs or conclude if such costs will be, to any extent, the responsibility of the department.
- Finally, the OLS concludes that the department will incur indeterminate costs in establishing a pilot program to develop standards for the professional advancement of certified nurse aides.

To the extent that the department utilizes an applicable out-of-State model, as permitted under the bill, the department's expenses to fulfill this provision may be minimized. The OLS notes that: 1) depending on the model selected, there may be additional costs to implement the standards and that the department may be responsible, in part, for these expenses; 2) nursing homes operated by the Department of Military and Veterans Affairs (DMAVA) and certain county governments may experience expenses under the bill if such facilities consult with the department in the establishment of the pilot program.

## **BILL DESCRIPTION**

The DOH, in consultation with the APIC, is to develop an infection prevention course specifically designed for licensed practical nurses and registered nurses employed in a long-term care facility. The DOH is to develop methods to encourage and incentivize licensed practical nurses and registered nurses to complete the infection prevention course.

Using these same topics required under the infection prevention course, the DOH is also to develop an infection prevention course for certified nurse aides. The DOH is to include the infection prevention course as a required component of annual in-service education for certified nurse aides. The DOH is to review current certified nurse aide curriculum, incorporate an infection prevention component into the curriculum, and make any other necessary modifications to the curriculum.

The DOH, in consultation with the Board of Nursing, is to review the current nursing curriculum and develop methods to encourage licensed practical nurses and registered nurses to enroll in education and training on post-acute care. The DOH, in consultation with the Board of Nursing, is to review the educational and clinical experience requirements for the completion of a nursing degree and determine if the requirements should be modified to better prepare license practical nurses and registered nurses to work in post-acute care settings.

The bill provides that the DOH, in consultation with one or more long-term care facilities in this State and representatives of labor organizations, is to establish a pilot program to develop standards for the professional advancement of certified nurse aides. The standards for the professional advancement of certified nurse aides may be based on: previous work experience, education level, participation in educational opportunities, training, and work performance. The standards may also be based on any applicable out-of-State models for the professional advancement of certified nurse aides.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS estimates the DOH will incur indeterminate costs in developing certain nursing educational programs. The bill requires the department, in consultation with the APIC, to develop an infection prevention course for licensed practical nurses and registered nurses employed in a long-term care facility. Under the bill, the department is directed to use a similar criteria to develop an infection prevention course for certified nurse aides. The APIC's mission, in part, is to educate

healthcare personnel about infectious diseases and how to limit their spread, which includes the recent launch of the “Certificate of Training in Infection Prevention in the Long-Term Care Setting” program. This program is specifically designed as an opportunity for state departments of health to sponsor classes. The OLS assumes that the cost to fulfill this provision of the bill will be due to contracting with the APIC for use of that organization’s existing program; however, the OLS does not have access to any data to quantify these expenses.

The OLS also concludes that the New Jersey Board of Nursing, which operates under the purview of the Division of Consumer Affairs, will incur an indeterminate, albeit minimal, increase in costs to assist the department in reviewing nursing curriculum and certain requirements for the completion of a nursing degree, as well as in determining if such requirements should be modified. The OLS assumes that the Board, as the entity responsible for licensing registered professional nurses and licensed practical nurses and for approving nursing education programs, will be capable of complying with these provisions with minimal expense.

The OLS estimates that any methods developed by the DOH to encourage and incentivize nurses to enroll in and complete the various training opportunities established under the bill will likely add additional expenses to the underlying costs of establishing those programs. However, as the nature of such methods are yet to be determined, the OLS cannot quantify these costs or conclude if such costs will be, to any extent, the responsibility of the department.

Finally, the OLS concludes the department will incur costs in establishing a pilot program to develop standards for the professional advancement of certified nurse aides. The DOH is the entity that regulates certified nurse aides; therefore, this provision falls within the scope of the department’s work. To the extent that the department utilizes an applicable out-of-State model, as permitted under the bill, the department’s expenses to fulfill this provision may be minimized. The OLS notes that: 1) depending on the model selected, there may be additional costs to implement the standards, such as training expenses and salary increases, and that the department may be responsible, in part, for these expenses; and 2) nursing homes operated by the DMAVA and certain county governments may experience expenses under the bill if such facilities consult with the department in the establishment of the pilot program. However, as the model is unknown, the OLS cannot determine the extent implementation will affect the fiscal impact of the bill. Any cost to implement these standards will increase in relation to the number of long-term care facilities and certified nurse aides participating in the pilot program.

*Section: Human Services*

*Analyst: Sarah Schmidt  
Senior Research Analyst*

*Approved: Thomas Koenig  
Legislative Budget and Finance Officer*

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 (C.52:13B-6 et seq.).