

ASSEMBLY, No. 5353

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 22, 2021

Sponsored by:

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Co-Sponsored by:

Assemblymen Armato, Mazzeo, Verrelli and Stanley

SYNOPSIS

Provides for certification of temporary nurse aides.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/22/2021)

1 AN ACT concerning the certification of temporary nurse aides.

2

3 **BE IT ENACTED** *by the Senate and General Assembly of the State*
4 *of New Jersey:*

5

6 1. The Legislature finds and declares that:

7 a. In order to be employed as a certified nurse aide in a health
8 care facility, an applicant is required to have successfully completed
9 a State-approved training and competency evaluation program or a
10 program that is at least equal to State requirements.

11 b. Certified nurse aide training helps to ensure that certified
12 nurse aides possess the education, practical knowledge, and skills
13 needed to care for residents of health care facilities participating in
14 Medicare and Medicaid programs.

15 c. In light of COVID-19, regulatory provisions have been
16 waived to permit the hiring of temporary nurse aides to address
17 staffing shortages, including CMS's 1135 waiver of certain
18 requirements for training and certification of nurse aides.

19 d. Temporary nurse aides have served admirably and
20 compassionately in this capacity and have demonstrated, through
21 accelerated training and experience, adequate competency and the
22 ability to transition to working as certified nurse aides.

23

24 2. As used in this act:

25 "CMS" means the Centers for Medicare and Medicaid Services
26 within the United States Department of Health and Human Services.

27 "Commissioner" means the Commissioner of the New Jersey
28 Department of Health.

29 "Health care facility" means a health care facility licensed by the
30 Department of Health pursuant to P.L.1971, c.136 (C.26:2H-
31 1 et seq.).

32 "Temporary nurse aide" means a nurse aide who has been hired by
33 a health care facility in accordance with federal or State regulatory
34 waivers that were issued in response to COVID-19.

35

36 3. Notwithstanding any provision of law to the contrary, the
37 Commissioner shall issue a nurse aide certification to an applicant
38 who has applied to the Department of Health for certification as a
39 nurse aide, in a manner determined by the Commissioner, and who is
40 a temporary nurse aide, if within 45 days following the end of the
41 public health emergency declared in response to COVID-19:

42 a. the temporary nurse aide successfully completed a training
43 program and competency assessment authorized under a CMS waiver
44 due to COVID-19 which may have included an online training
45 component and an online examination;

46 b. the temporary nurse aide worked a minimum of 80 hours
47 under the supervision of a licensed professional nurse who
48 documented the adequate competency of the temporary nurse aide;

1 c. the temporary nurse aide successfully completed the criminal
2 history record background check required pursuant to section 2 of
3 P.L.1997, c.100 (C.26:2H-83); and

4 d. the temporary nurse aide successfully completed a State-
5 approved nurse aide written examination in no more than three
6 attempts to successfully complete the examination.

7
8 4. Temporary nurse aides who have not been certified as nurse
9 aides pursuant to section 3 of this act shall be permitted to work as
10 temporary nurse aides for no more than 90 days following the end of
11 the public health emergency declared in response to COVID-19.

12
13 5. This act shall take effect immediately and shall expire 90 days
14 after the end of the public health emergency declared in response to
15 COVID-19.

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17
18 STATEMENT

19
20 This bill provides for the certification of temporary nurse aides.

21 Under the bill, the Commissioner of Health (commissioner) is to
22 issue a nurse aide certification to an applicant who has applied to the
23 Department of Health for certification as a nurse aide, in a manner
24 determined by the commissioner, and who is a temporary nurse aide,
25 if within 45 days following the end of the public health emergency
26 declared in response to COVID-19: the temporary nurse aide
27 successfully completed a training program and competency
28 assessment authorized under a Centers for Medicare and Medicaid
29 Services (CMS) waiver due to COVID-19 which may have included
30 an online training component and an online examination; the
31 temporary nurse aide worked a minimum of 80 hours under the
32 supervision of a licensed professional nurse who documented the
33 adequate competency of the temporary nurse aide; the temporary
34 nurse aide successfully completed the criminal history record
35 background check required pursuant to section 2 of P.L.1997, c.100
36 (C.26:2H-83); and the temporary nurse aide successfully completed
37 a State-approved nurse aide written examination in no more than
38 three attempts to successfully complete the examination.

39 The bill provides that temporary nurse aides who have not been
40 certified as nurse aides are to be permitted to work as temporary nurse
41 aides for no more than 90 days following the end of the public health
42 emergency declared in response to COVID-19.