

[Second Reprint]

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)

Senator FRED H. MADDEN, JR.

District 4 (Camden and Gloucester)

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

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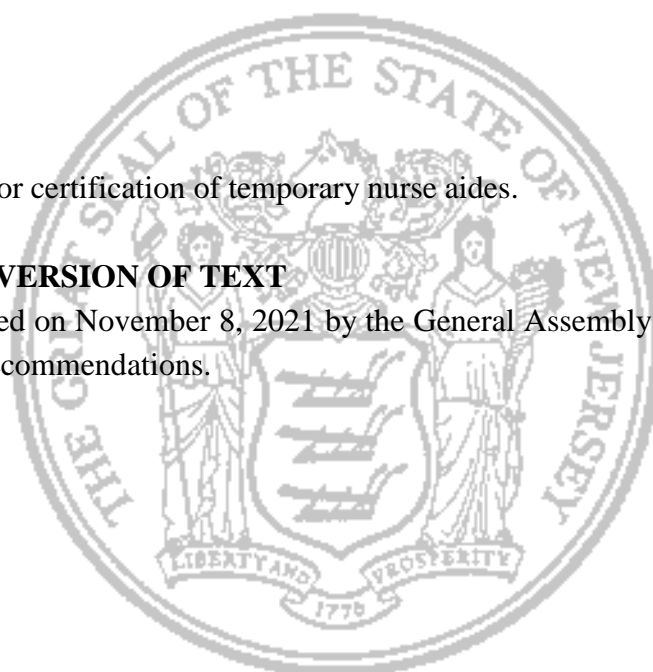
Assemblymen Armato, Mazzeo, Verrelli, Stanley, Assemblywomen McKnight, Swain, Assemblyman Tully, Senator Oroho, Assemblywomen Jimenez, Speight, Lampitt, Jasey and Assemblyman Freiman

SYNOPSIS

Provides for certification of temporary nurse aides.

CURRENT VERSION OF TEXT

As amended on November 8, 2021 by the General Assembly pursuant to the Governor's recommendations.



(Sponsorship Updated As Of: 12/20/2021)

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
33 by a health care facility in accordance with ²applicable² federal
34 ²**[or] and**² State regulatory waivers that were issued in response to
35 COVID-19.

36

37 3. Notwithstanding any provision of law to the contrary, the
38 Commissioner shall issue a nurse aide certification to an applicant
39 who has applied to the Department of Health for certification as a
40 nurse aide, in a manner determined by the Commissioner, and who
41 is a temporary nurse aide, if ²**[within 45 days following the end]** :

42 a. between the first day² of the public health emergency declared
43 in response to COVID-19 ²and January 11, 2022²:

44 ²**[a.] (1)**² the temporary nurse aide successfully completed a
45 training program and competency assessment authorized under a

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:

¹Assembly AHE committee amendments adopted March 8, 2021.

²Assembly amendments adopted in accordance with Governor's
recommendations November 8, 2021.

1 ²**[CMS]** New Jersey² waiver due to COVID-19 ²**[**¹during the
2 public health emergency declared in response to COVID-19.¹²
3 which ²**[**may have² included an online training component and an
4 online examination ¹, and, if so required ²**[**by the CMS², such
5 additional training as may be required to satisfy the requirements of
6 42 C.F.R. s.483.152 or any other provision of federal law or
7 regulation¹; ²and²

8 ²**[**b.]² the temporary nurse aide worked a minimum of 80
9 hours under the supervision of a licensed professional nurse ¹**[**who
10 documented the adequate competency of the temporary nurse aide¹
11 ²**[**during the public health emergency declared in response to
12 COVID-19] ², and the temporary nurse aide's adequate
13 competency during that period is established by a certification or
14 letter from the director of nursing attesting to the temporary nurse
15 aide's adequate competency¹;

16 ²**[**c.]² b.² the temporary nurse aide successfully completed the
17 criminal history record background check required pursuant to
18 section 2 of P.L.1997, c.100 (C.26:2H-83) ²except that this section
19 shall not be construed to supersede subsection d. or any other
20 provision of section 3 of P.L.1997, c.100 (C.26:2H-84)²; and

21 ²**[**d.] c. between the first day of the public health emergency
22 declared in response to COVID-19 and February 16, 2022.² the
23 temporary nurse aide successfully completed ²(1)² a State-approved
24 nurse aide written examination in no more than three attempts ²and
25 (2) a State-approved clinical skills competency examination² ¹**[**to
26 successfully complete the examination¹ .

27
28 4. Temporary nurse aides who have not been certified as nurse
29 aides pursuant to section 3 of this act shall be permitted to work as
30 temporary nurse aides ²**[**for no more than 90 days following the end
31 of the public health emergency declared in response to COVID-19]
32 until February 16, 2022².

33
34 ²5. The Department of Health may issue guidance or adopt
35 regulations necessary to effectuate the purposes of this act, which
36 regulations shall be effective immediately upon filing with the
37 Office of Administrative Law and until February 16, 2022.²

38
39 ²**[**5.]² 6.² This act shall take effect immediately and shall
40 expire ²**[**90 days] on the 365th day² after the end of the public
41 health emergency declared in response to COVID-19.