

ASSEMBLY, No. 4331

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED MARCH 23, 2015

Sponsored by:
Assemblyman CARMELO G. GARCIA
District 33 (Hudson)

SYNOPSIS

Requires training of homemaker-home health aides in the care of patients with Alzheimer's disease or related disorders.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning homemaker-home health aides and amending
2 and supplementing P.L.1947, c.262.

3

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

6

7 1. Section 2 of P.L.1947, c.262 (C.45:11-24) is amended to
8 read as follows:

9 2. a. The board; appointment; terms. In addition to the
10 members appointed to represent the interests of the public pursuant
11 to section 2 of P.L.1971, c.60 [as amended by P.L.1977, c.285
12 (C.45:1-2.2)], the New Jersey Board of Nursing shall consist of 10
13 members, six of whom shall be registered professional nurses, two
14 of whom shall be licensed practical nurses, one of whom shall be an
15 advanced practice nurse, and one of whom shall be an additional
16 public member, all to be appointed by the Governor. Appointments
17 to the board shall be for terms of five years or for the unexpired
18 portion of a term in the case of a vacancy for any cause within a
19 term, and until a successor shall be appointed and qualified. In
20 making appointments the Governor shall give due consideration to,
21 but shall not be bound by, recommendations submitted by the
22 various nurses' professional associations of this State. Upon notice
23 and hearing, the Governor may remove from office any member of
24 the board for neglect of duty, incompetency, unprofessional or
25 dishonorable conduct.

26 b. Qualifications for appointment. The advanced practice nurse
27 member shall be a resident of this State, shall be a graduate of an
28 accredited advanced practice nurse program, shall have had at least
29 five years' experience in professional nursing, shall at the time of
30 appointment be actively working as an advanced practice nurse,
31 and, except for the member first appointed, shall hold a certification
32 as an advanced practice nurse pursuant to P.L.1991, c.377 (C.45:11-
33 45 et al.). Each registered professional nurse member of the board
34 shall be a citizen of the United States and a resident of this State;
35 shall be a graduate of an accredited school of nursing within the
36 United States; shall be a registered nurse in this State; shall have
37 had at least five years' experience in professional nursing following
38 graduation from an accredited school of nursing; and shall at the
39 time of appointment be actively engaged in nursing or work relating
40 thereto. The licensed practical nurse members of the board shall be
41 citizens of the United States and residents of this State; shall hold a
42 valid license to practice practical nursing in this State; shall have
43 had at least three years' experience in practical nursing; and shall at
44 the time of appointment be actively engaged in practical nursing or
45 work related thereto.

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.

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1 c. Oath or affirmation of office. Within 30 days after receipt of
2 the commission, each appointee shall take, subscribe and file in the
3 office of the Secretary of State the oath or affirmation prescribed by
4 law.

5 d. Duties and powers. The board shall have the following
6 duties and powers: (1) It shall hold annual meetings and such other
7 meetings as it may deem necessary at such times and places as the
8 board shall prescribe and a majority of the board including one
9 officer shall constitute a quorum. (2) It shall elect from its
10 members and prescribe the duties of a president and secretary-
11 treasurer, each of whom shall serve for one year and until a
12 successor is elected. (3) It shall appoint and prescribe the duties of
13 an executive secretary to the board who need not be a member
14 thereof but who shall be a citizen of the United States, a graduate of
15 a college or university with a major in nursing education, a
16 registered nurse of this State with at least five years' experience in
17 teaching or administration or both in an accredited school of
18 professional nursing, or have equivalent qualifications as
19 determined by the board. The executive secretary shall hold office
20 during the will and pleasure of the board. (4) It shall employ and
21 prescribe the duties of such persons as in its judgment shall be
22 necessary for the proper performance and execution of the duties
23 and powers of the board. (5) It shall determine and pay reasonable
24 compensation and necessary expenses of the executive secretary
25 and all employees of the board. (6) It shall pay to each member of
26 the board the compensation hereinafter provided. (7) It shall have a
27 common seal, keep an official record of all its meetings, and
28 through its secretary-treasurer report annually to the Governor the
29 work of the board. (8) It shall examine applicants for a license or
30 renewals thereof, issue, renew, revoke and suspend licenses, as
31 hereinafter provided. (9) It shall in its discretion investigate and
32 prosecute all violations of provisions of this act. (10) It shall keep
33 an official record which shall show the name, age, nativity and
34 permanent place of residence of each applicant and licensee and
35 such further information concerning each applicant and licensee as
36 the board shall deem advisable. The record shall show also whether
37 the applicant was examined, licensed or rejected under this and any
38 prior act. Copies of any of the entries of the record or of any
39 certificate issued by the board may be authenticated by any member
40 of the board under its seal and when so authenticated shall be
41 evidence in all courts of this State of the same weight and force as
42 the original thereof. For authenticating a copy of any entry or
43 entries contained in its record the board shall be paid a fee of \$3.00,
44 but such authentication, if made at the request of any public agency
45 of this or any other jurisdiction, may be without fee. (11) In its
46 discretion it may publish at such times as it shall determine a list of
47 nurses licensed under this act, a list of schools of nursing accredited
48 or approved under this act, and such other information as it shall

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1 deem advisable. (12) It shall prescribe standards and curricula for
2 schools of nursing and evaluate and approve courses for affiliation.
3 (13) It shall hear and determine applications for accreditation of
4 schools of professional nursing, conduct investigations before and
5 after accreditation of such schools and institutions with which they
6 are affiliated, and issue, suspend or revoke certificates of
7 accreditation as hereinafter provided. (14) It shall approve schools
8 of practical nursing which shall conform to the standards, curricula,
9 and requirements prescribed by the board, and suspend or revoke
10 approval for violations thereof; provided, that this power shall not
11 extend to schools operated by any board of education in this State.
12 (15) It may consult with the Medical Society of New Jersey and the
13 New Jersey Hospital Association with respect to any matter relating
14 to the administration of this act and shall consult with those
15 associations with respect to standards and curricula and any change
16 thereof for schools of nursing. (16) It shall issue subpoenas for the
17 attendance of witnesses and production of documents at any hearing
18 before the board authorized by this act and any member of the board
19 shall administer an oath or affirmation to persons appearing to give
20 testimony at such hearings. (17) It may conduct any investigations,
21 studies of nursing and nursing education and related matters, and
22 prepare and issue such publications as in the judgment of the board
23 will advance the profession of nursing and its service to the public.
24 (18) It shall perform all other functions which are provided in this
25 act to be performed by it or which in the judgment of the board are
26 necessary or proper for the administration of this act. (19) It shall
27 from time to time prescribe rules and regulations not inconsistent
28 with this act. (20) It shall prescribe standards and curricula for
29 homemaker-home health aide education and training programs
30 which a homemaker-home health aide shall complete in order to
31 work in this State, in accordance with section 2 of P.L. _____,
32 c. (C. _____) (pending before the Legislature as this bill). (21) It
33 shall review applications to provide homemaker-home health aide
34 training programs and shall issue, suspend or revoke program
35 approval. (22) It shall establish and maintain a registry of all
36 individuals who have successfully completed a homemaker-home
37 health aide training and competency evaluation program. The board
38 shall provide for the inclusion in the registry of information about
39 the disqualification of any person from certification as a
40 homemaker-home health aide pursuant to sections 7 through 13 of
41 P.L.1997, c.100 (C.45:11-24.3 through 24.9), including the specific
42 documented findings constituting the basis for that disqualification;
43 except that the information shall indicate that the person was
44 convicted of a crime or disorderly persons offense as described in
45 section 7 of P.L.1997, c.100 (C.45:11-24.3), but shall not identify
46 the conviction or convictions which constitute the basis for the
47 disqualification. (23) It shall prescribe standards and requirements
48 for a competency evaluation program resulting in certification of

1 the homemaker-home health aide, and the renewal, revocation, and
2 suspension of that certification. (24) It shall review applications for
3 homemaker home-health aide certification and shall issue, suspend,
4 revoke, or fail to renew certifications and conduct investigations
5 pursuant to the provisions of P.L.1978, c.73 (C.45:1-14 et seq.).
6 (25) It shall require that nursing school curricula include, and shall
7 prescribe standards for, the training of registered professional
8 nurses in the supervision of, and the delegation of nursing tasks to,
9 unlicensed assistive personnel, and shall further prescribe standards
10 establishing the criteria for determining those tasks which registered
11 professional nurses may delegate to unlicensed assistive personnel
12 working under their supervision and the type of supervision
13 required with respect to those personnel. (26) It shall prescribe
14 standards and requirements for unlicensed assistive personnel,
15 including initial education and continuing education and a
16 competency evaluation program, which these personnel shall satisfy
17 in order to work in this State. As used in this paragraph and in
18 paragraph (25) of this subsection, "unlicensed assistive personnel"
19 means any unlicensed or uncertified personnel employed by a
20 licensed health care facility that perform nursing tasks which do not
21 require the skill or judgment of a registered professional nurse and
22 which are assigned to them by, and carried out under the
23 supervision of, a registered professional nurse. (27) It may require
24 licensees to meet continuing education requirements as a condition
25 of relicensure.

26 e. Compensation. Each member of the board shall receive
27 \$15.00 per day for each day in which such member is actually
28 engaged in the discharge of duties and traveling and other expenses
29 necessarily incurred in the discharge of duties.

30 (cf: P.L.2000, c.20, s.4)

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32 2. (New section) a. The standards and curricula for the
33 homemaker-home health aide education and training programs
34 specified in subsection d. of section 2 of P.L.1947, c.262 (C.45:11-
35 24), shall provide for comprehensive training in the specialized care
36 of a patient with Alzheimer's disease or a related disorder who
37 receives services from a homemaker-home health aide as defined in
38 section 1 of P.L.1947, c.262 (C.45:11-23). The training program
39 shall include, but not be limited to:

40 (1) the causes and progression of Alzheimer's disease or a related
41 disorder; and

42 (2) the methods to deal with the specific problems encountered in
43 the care of patients with Alzheimer's disease or a related disorder,
44 including, but not limited to: communicating with patients with
45 Alzheimer's disease or a related disorder; psychological, social, and
46 physical needs of patients with Alzheimer's disease or a related
47 disorder; and safety measures which need to be taken for a patient
48 with Alzheimer's disease or a related disorder.

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1 psychological, social, and physical needs of patients with
2 Alzheimer's disease or a related disorder; and 3) safety measures
3 which need to be taken for a patient with Alzheimer's disease or a
4 related disorder.

5 The bill requires a person who applies for certification as a
6 homemaker-home health aide on or after the effective date of the
7 bill to successfully complete training as a condition of receiving
8 certification. Persons who already are certified as homemaker-
9 home health aides would have to successfully complete the training
10 as a condition of receiving their first recertification after the bill's
11 effective date.