

LEGISLATIVE HISTORY CHECKLIST

NJSA: 45:11-23 et seq.

(Nurses aide
training
programs--establish)

LAWS OF: 1989

CHAPTER: 98

Bill No: A4014

Sponsor(s): Haytaian, Collins & Singer

Date Introduced: December 12, 1988

Committee: Assembly: Higher Education & Regulated Professions

Senate: Institutions, Health and Welfare

Amended during passage: Yes Amendments during passage
denoted by asterisks.

Date of Passage: Assembly: February 23, 1989

Senate: May 4, 1989

Date of Approval: June 19, 1989

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: Yes

Following were printed:

Reports: No

Hearings: No

(over)

Guidelines, mentioned in statements:

Contact Wanda Marra's secretary:
6-7771 to confirm which version (attached) or other are in effect.

"Bills would require background checks." 11-13-89 Asbury Park Press.

SLJ

P.L.1989, CHAPTER 98, *approved June 19, 1989*
1988 Assembly No. 4014 (*First Reprint*)

1 AN ACT concerning ¹the¹ certification of ¹[nurses aides training]
2 homemaker-home health aides¹ by the New Jersey Board of
3 Nursing and amending ¹and supplementing¹ P.L.1947, c.262.

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

7 1. Section 1 of P.L.1947, c.262 (C.45:11-23) is amended to
8 read as follows:

9 1. As used in this act.

10 a. The words "the board" mean the New Jersey Board of
11 Nursing created by this act.

12 b. The practice of nursing as a registered professional nurse is
13 defined as diagnosing and treating human responses to actual or
14 potential physical and emotional health problems, through such
15 services as casefinding, health teaching, health counseling, and
16 provision of care supportive to or restorative of life and
17 well-being, and executing medical regimen as prescribed by a
18 licensed or otherwise legally authorized physician or dentist.
19 Diagnosing in the context of nursing practice means that
20 identification of and discrimination between physical and
21 psychosocial signs and symptoms essential to effective execution
22 and management of the nursing regimen. Such diagnostic
23 privilege is distinct from a medical diagnosis. Treating means
24 selection and performance of those therapeutic measures
25 essential to the effective management and execution of the
26 nursing regimen. Human responses means those signs, symptoms,
27 and processes which denote the individual's health need or
28 reaction to an actual or potential health problem.

29 The practice of nursing as a licensed practical nurse is defined
30 as performing tasks and responsibilities within the framework of
31 casefinding; reinforcing the patient and family teaching program
through health teaching, health counseling and provision of

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:

¹ Assembly AHE committee amendments adopted February 16, 1989.

1 supportive and restorative care, under the direction of a
2 registered nurse or licensed or otherwise legally authorized
3 physician or dentist.

4 The terms "nursing," "professional nursing," and "practical
5 nursing" as used in this act shall not be construed to include
6 nursing by students enrolled in a school of nursing accredited or
7 approved by the board performed in the prescribed course of
8 study and training, nor nursing performed in hospitals, institutions
9 and agencies approved by the board for this purpose by graduates
10 of such schools pending the results of the first licensing
11 examination scheduled by the board following completion of a
12 course of study and training and the attaining of age qualification
13 for examination, or thereafter with the approval of the board in
14 the case of each individual pending results of subsequent
15 examinations; nor shall any of said terms be construed to include
16 nursing performed for a period not exceeding 12 months unless
17 the board shall approve a longer period, in hospitals, institutions
18 or agencies by a nurse legally qualified under the laws of another
19 state or country, pending results of an application for licensing
20 under this act, if such nurse does not represent or hold himself or
21 herself out as a nurse licensed to practice under this act; nor
22 shall any of said terms be construed to include the practice of
23 nursing in this State by any legally qualified nurse of another
24 state whose engagement made outside of this State requires such
25 nurse to accompany and care for the patient while in this State
26 during the period of such engagement, not to exceed 6 months in
27 this State, if such nurse does not represent or hold himself or
28 herself out as a nurse licensed to practice in this State; nor shall
29 any of said terms be construed to include nursing performed by
30 employees or officers of the United States Government or any
31 agency or service thereof while in the discharge of his or her
32 official duties; nor shall any of said terms be construed to include
33 services performed by [nurses aides, attendants, orderlies and
34 ward helpers in hospitals, institutions and agencies or by
35 technicians,] 1nurses aides, attendants, orderlies and ward helpers
36 in hospitals, institutions and agencies or by technicians,¹
37 physiotherapists [.] ^{1,1} or medical secretaries, and such duties
38 performed by said persons aforementioned shall not be subject to
39 rules or regulations which the board may prescribe concerning

1 nursing; nor shall any of said terms be construed to include first
2 aid nursing assistance, or gratuitous care by friends or members
3 of the family of a sick or infirm person, or incidental care of the
4 sick by a person employed primarily as a domestic or
5 housekeeper, notwithstanding that the occasion for such
6 employment may be sickness, if such incidental care does not
7 constitute professional nursing and such person does not claim or
8 purport to be a licensed nurse; nor shall any of said terms be
9 construed to include services rendered in accordance with the
10 practice of the religious tenets of any well-recognized church or
11 denomination which subscribes to the art of healing by prayer. A
12 person who is otherwise qualified shall not be denied licensure as
13 a professional nurse or practical nurse by reason of the
14 circumstances that such person is in religious life and has taken a
15 vow of poverty.

16 c. ¹[The words "nurse aide" refer to "nursing assistant,"
17 "home health aide," "patient care technician," or any health care
18 provider] "Homemaker-home health aide" means a person who is
19 employed by a home care services agency and who is¹ performing
20 delegated nursing regimen or nursing tasks delegated through the
21 authority of a duly licensed registered professional nurse; ¹[This
22 shall not be construed to include individuals who perform these
23 tasks in the offices of private physicians or in hospitals licensed
24 pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.)] "Home care
25 services agency" means home health agencies licensed by the
26 Department of Health pursuant to P.L.1971, c.136 (C.26:2H-1 et
27 al.), non-profit homemaker-home health aide agencies, and
28 employment agencies and temporary help services firms
29 regulated by the Attorney General pursuant to P.L.1951, c.337
30 (C.34:8-24 et seq.) and P.L.1960, c.39 (C.56:8-1 et seq.)
31 respectively, which are engaged in the business of procuring or
32 offering to procure employment for homemaker-home health
33 aides, where a fee is exacted, charged or received directly or
34 indirectly for procuring or offering to procure that employment¹.

35 Nothing in this act shall confer the authority to a person
36 licensed to practice nursing to practice another health profession
37 as currently defined in Title 45 of the Revised Statutes.

(cf: P.L.1974, c.109, s.1)

38 2. Section 2 of P.L.1947, c.262 (C.45:11-24) is amended to
39

1 read as follows:

2 a. The board; appointment; terms. In addition to the
3 members appointed to represent the interests of the public
4 pursuant to P.L.1971, c.60 as amended by P.L.1977, c.285
5 (C.45:1-2.2) the New Jersey Board of Nursing shall consist of 10
6 members, seven of whom shall be registered professional nurses,
7 two of whom shall be licensed practical nurses, and one of whom
8 shall be an additional public member, all to be appointed by the
9 Governor. Appointments to the board shall be for terms of 5
10 years or for the unexpired portion of a term in the case of a
11 vacancy for any cause within a term, and until a successor shall
12 be appointed and qualified. In making appointments the Governor
13 shall give due consideration to, but shall not be bound by,
14 recommendations submitted by the various nurses' professional
15 associations of this State. Upon notice and hearing, the Governor
16 may remove from office any member of the board for neglect of
17 duty, incompetency, unprofessional or dishonorable conduct.

18 b. Qualifications for appointment. Each registered
19 professional nurse member of the board shall be a citizen of the
20 United States and a resident of this State; shall be a graduate of
21 an accredited school of nursing within the United States; shall be
22 a registered nurse in this State; shall have had at least 5 years'
23 experience in professional nursing following graduation from an
24 accredited school of nursing; and shall at the time of appointment
25 be actively engaged in nursing or work relating thereto. The
26 licensed practical nurse members of the board shall be citizens of
27 the United States and residents of this State; shall hold a valid
28 license to practice practical nursing in this State; shall have had
29 at least 3 years' experience in practical nursing; and shall at the
30 time of appointment be actively engaged in practical nursing or
31 work related thereto.

32 c. Oath or affirmation of office. Within 30 days after receipt
33 of the commission, each appointee shall take, subscribe and file
34 in the office of the Secretary of State the oath or affirmation
35 prescribed by law.

36 d. Duties and powers. The board shall have the following
37 duties and powers: (1) It shall hold annual meetings and such
38 other meetings as it may deem necessary at such times and
39 places as the board shall prescribe and a majority of the board

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

1 of nurses licensed under this act, a list of schools of nursing
2 accredited or approved under this act, and such other information
3 as it shall deem advisable. (12) It shall prescribe standards and
4 curricula for schools of nursing and evaluate and approve courses
5 for affiliation. (13) It shall hear and determine applications for
6 accreditation of schools of professional nursing, conduct
7 investigations before and after accreditation of such schools and
8 institutions with which they are affiliated, and issue, suspend or
9 revoke certificates of accreditation as hereinafter provided. (14)
10 It shall approve schools of practical nursing which shall conform
11 to the standards, curricula, and requirements prescribed by the
12 board, and suspend or revoke approval for violations thereof;
13 provided, that this power shall not extend to schools operated by
14 any board of education in this State. (15) It may consult with the
15 Medical Society of New Jersey and the New Jersey Hospital
16 Association with respect to any matter relating to the
17 administration of this act and shall consult with those
18 associations with respect to standards and curricula and any
19 change thereof for schools of nursing. (16) It shall issue subpoenas
20 for the attendance of witnesses and production of documents at
21 any hearing before the board authorized by this act and any
22 member of the board shall administer an oath or affirmation to
23 persons appearing to give testimony at such hearings. (17) It may
24 conduct any investigations, studies of nursing and nursing
25 education and related matters, and prepare and issue such
26 publications as in the judgment of the board will advance the
27 profession of nursing and its service to the public. (18) It shall
28 perform all other functions which are provided in this act to be
29 performed by it or which in the judgment of the board are
30 necessary or proper for the administration of this act. (19) It
31 shall from time to time prescribe rules and regulations not
32 inconsistent with this act. (20) It shall prescribe standards and
33 curricula for ¹[nurse] homemaker-home health¹ aide education
34 and training programs which a ¹[nurse] homemaker-home health¹
35 aide shall complete in order to work in this State. (21) It shall
36 review applications to provide ¹[nurse] homemaker-home health¹
37 aide training programs and shall issue, suspend or revoke program
38 approval. (22) It shall establish and maintain a registry of all
39 individuals who have successfully completed a ¹[nurse]

1 homemaker-home health¹ aide training and competency
2 evaluation program. ¹[The registry shall provide for the inclusion
3 of specific documented findings of patient abuse or
4 misappropriation of resident property involving an individual
5 listed in the registry, as well as any brief statement of the
6 individual disputing the findings. In the case of inquiries to the
7 registry concerning an individual listed in the registry, any
8 information disclosed concerning such a finding shall also include
9 disclosure of any statement in the registry relating to the finding
10 or a clear and accurate summary of that statement.]¹ (23) It shall
11 prescribe standards and requirements for a competency
12 evaluation program resulting in certification of the ¹[nurse]
13 homemaker-home health¹ aide, and the renewal, revocation, and
14 suspension of that certification. ¹[(24) If application is made
15 upon a form prescribed by the board on or before September 1,
16 1989 the board shall issue without a competency evaluation a
17 certification to a nurse aide who submits to the board evidence of
18 a certification previously issued by the New Jersey State
19 Department of Health or New Jersey State Department of Human
20 Services provided that the applicant has had one year of
21 satisfactory experience as a nurse aide. (25) An applicant for
22 nurse aide certification shall pay to the board the required fee at
23 the time of application and at the time of each application for
24 re-examination.] (24) It shall review applications for homemaker
25 home-health aide certification and shall issue, suspend, revoke,
26 or fail to renew certifications and conduct investigations
27 pursuant to the provisions of P.L.1978, c.73 (C.45:1-14 et seq.).¹

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

(cf: P.L.1979, c.339, s.1)

32 ^{13.} (New section) The board shall issue without a competency
33 evaluation a certification to a homemaker-home health aide who
34 makes application on a form prescribed by the board within one
35 year of the effective date of this 1989 amendatory and
36 supplementary act and who submits to the board evidence of a
37 certification previously issued by the New Jersey Department of
38 Health provided that the applicant has had one year of
39 Health provided that the applicant has had one year of

1 satisfactory experience as a homemaker-home health aide.¹

3 ^{14.} (New section) An applicant for a homemaker-home health
5 aid certification shall pay a fee as prescribed by the board at
7 the time of application and at the time of each application for
9 re-examination.¹

11 ¹[3.] ^{5.}¹ This act shall take effect ¹[immediately] ⁸⁰ days
13 following enactment except that the board shall immediately
15 take such administrative action as may be necessary to
implement the provisions of this act¹.

11 REGULATED PROFESSIONS

13 Health

15 Provides for the certification of homemaker-home health aides
by the New Jersey Board of Nursing.

ASSEMBLY, No. 4014

STATE OF NEW JERSEY

INTRODUCED DECEMBER 12, 1988

By Assemblymen HAYTAIAN, COLLINS and Singer

1 **AN ACT** concerning certification of nurses aides training by the
New Jersey Board of Nursing and amending P.L.1947, c.262.

3

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

7 1. Section 1 of P.L.1947, c.262 (C.45:11-23) is amended to
read as follows:

9 1. As used in this act.

11 a. The words "the board" mean the New Jersey Board of
Nursing created by this act.

13 b. The practice of nursing as a registered professional nurse is
defined as diagnosing and treating human responses to actual or
15 potential physical and emotional health problems, through such
services as casefinding, health teaching, health counseling, and
17 provision of care supportive to or restorative of life and
well-being, and executing medical regimen as prescribed by a
19 licensed or otherwise legally authorized physician or dentist.
Diagnosing in the context of nursing practice means that
21 identification of and discrimination between physical and
psychosocial signs and symptoms essential to effective execution
23 and management of the nursing regimen. Such diagnostic
privilege is distinct from a medical diagnosis. Treating means
25 selection and performance of those therapeutic measures
essential to the effective management and execution of the
nursing regimen. Human responses means those signs, symptoms,
27 and processes which denote the individual's health need or
reaction to an actual or potential health problem.

29 The practice of nursing as a licensed practical nurse is defined
as performing tasks and responsibilities within the framework of
31 casefinding; reinforcing the patient and family teaching program
through health teaching, health counseling and provision of
supportive and restorative care, under the direction of a
33 registered nurse or licensed or otherwise legally authorized

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.

1 physician or dentist.

2 The terms "nursing," "professional nursing," and "practical
3 nursing" as used in this act shall not be construed to include
4 nursing by students enrolled in a school of nursing accredited or
5 approved by the board performed in the prescribed course of
6 study and training, nor nursing performed in hospitals, institutions
7 and agencies approved by the board for this purpose by graduates
8 of such schools pending the results of the first licensing
9 examination scheduled by the board following completion of a
10 course of study and training and the attaining of age qualification
11 for examination, or thereafter with the approval of the board in
12 the case of each individual pending results of subsequent
13 examinations; nor shall any of said terms be construed to include
14 nursing performed for a period not exceeding 12 months unless
15 the board shall approve a longer period, in hospitals, institutions
16 or agencies by a nurse legally qualified under the laws of another
17 state or country, pending results of an application for licensing
18 under this act, if such nurse does not represent or hold himself or
19 herself out as a nurse licensed to practice under this act; nor
20 shall any of said terms be construed to include the practice of
21 nursing in this State by any legally qualified nurse of another
22 state whose engagement made outside of this State requires such
23 nurse to accompany and care for the patient while in this State
24 during the period of such engagement, not to exceed 6 months in
25 this State, if such nurse does not represent or hold himself or
26 herself out as a nurse licensed to practice in this State; nor shall
27 any of said terms be construed to include nursing performed by
28 employees or officers of the United States Government or any
29 agency or service thereof while in the discharge of his or her
30 official duties; nor shall any of said terms be construed to include
31 services performed by [nurses aides, attendants, orderlies and
32 ward helpers in hospitals, institutions and agencies or by
33 technicians,] physiotherapists [,] or medical secretaries, and such
34 duties performed by said persons aforementioned shall not be
35 subject to rules or regulations which the board may prescribe
36 concerning nursing; nor shall any of said terms be construed to
37 include first aid nursing assistance, or gratuitous care by friends
38 or members of the family of a sick or infirm person, or incidental
39 care of the sick by a person employed primarily as a

1 domestic or housekeeper, notwithstanding that the occasion for
2 such employment may be sickness, if such incidental care does
3 not constitute professional nursing and such person does not claim
4 or purport to be a licensed nurse; nor shall any of said terms be
5 construed to include services rendered in accordance with the
6 practice of the religious tenets of any well-recognized church or
7 denomination which subscribes to the art of healing by prayer. A
8 person who is otherwise qualified shall not be denied licensure as
9 a professional nurse or practical nurse by reason of the
10 circumstances that such person is in religious life and has taken a
11 vow of poverty.

12 c. The words "nurse aide" refer to "nursing assistant," "home
13 health aide," "patient care technician," or any health care
14 provider performing delegated nursing regimen or nursing tasks
15 delegated through the authority of a duly licensed registered
16 professional nurse. This shall not be construed to include
17 individuals who perform these tasks in the offices of private
18 physicians or in hospitals licensed pursuant to P.L.1971, c.136
19 (C.26:2H-1 et seq.).

20 Nothing in this act shall confer the authority to a person
21 licensed to practice nursing to practice another health profession
22 as currently defined in Title 45 of the Revised Statutes.

23 (cf: P.L.1974, c.109, s.1)

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

26 2. a. The board; appointment; terms. In addition to the
27 members appointed to represent the interests of the public
28 pursuant to P.L.1971, c.60 as amended by P.L.1977, c.285
29 (C.45:1-2.2) the New Jersey Board of Nursing shall consist of 10
30 members, seven of whom shall be registered professional nurses,
31 two of whom shall be licensed practical nurses, and one of whom
32 shall be an additional public member, all to be appointed by the
33 Governor. Appointments to the board shall be for terms of 5
34 years or for the unexpired portion of a term in the case of a
35 vacancy for any cause within a term, and until a successor shall
36 be appointed and qualified. In making appointments the Governor
37 shall give due consideration to, but shall not be bound by,
38 recommendations submitted by the various nurses' professional
39 associations of this State. Upon notice and hearing, the Governor

1 may remove from office any member of the board for neglect of
2 duty, incompetency, unprofessional or dishonorable conduct.

3 b. Qualifications for appointment. Each registered
4 professional nurse member of the board shall be a citizen of the
5 United States and a resident of this State; shall be a graduate of
6 an accredited school of nursing within the United States; shall be
7 a registered nurse in this State; shall have had at least 5 years'
8 experience in professional nursing following graduation from an
9 accredited school of nursing; and shall at the time of appointment
10 be actively engaged in nursing or work relating thereto. The
11 licensed practical nurse members of the board shall be citizens of
12 the United States and residents of this State; shall hold a valid
13 license to practice practical nursing in this State; shall have had
14 at least 3 years' experience in practical nursing; and shall at the
15 time of appointment be actively engaged in practical nursing or
16 work related thereto.

17 c. Oath or affirmation of office. Within 30 days after receipt
18 of the commission, each appointee shall take, subscribe and file
19 in the office of the Secretary of State the oath or affirmation
20 prescribed by law.

21 d. Duties and powers. The board shall have the following
22 duties and powers: (1) It shall hold annual meetings and such
23 other meetings as it may deem necessary at such times and
24 places as the board shall prescribe and a majority of the board
25 including one officer shall constitute a quorum. (2) It shall elect
26 from its members and prescribe the duties of a president and
27 secretary-treasurer, each of whom shall serve for 1 year and
28 until a successor is elected. (3) It shall appoint and prescribe the
29 duties of an executive secretary to the board who need not be a
30 member thereof but who shall be a citizen of the United States, a
31 graduate of a college or university with a major in nursing
32 education, a registered nurse of this State with at least 5 years'
33 experience in teaching or administration or both in an accredited
34 school of professional nursing, or have equivalent qualifications
35 as determined by the board. The executive secretary shall hold
36 office during the will and pleasure of the board. (4) It shall
37 employ and prescribe the duties of such persons as in its judgment
38 shall be necessary for the proper performance and execution of
39 the duties and powers of the board. (5) It shall determine and pay

1 reasonable compensation and necessary expenses of the executive
secretary and all employees of the board. (6) It shall pay to each
3 member of the board the compensation hereinafter provided. (7)
It shall have a common seal, keep an official record of all its
5 meetings, and through its secretary-treasurer report annually to
the Governor the work of the board. (8) It shall examine
7 applicants for a license or renewals thereof, issue, renew, revoke
and suspend licenses, as hereinafter provided. (9) It shall in its
9 discretion investigate and prosecute all violations of provisions of
this act. (10) It shall keep an official record which shall show the
11 name, age, nativity and permanent place of residents of each
applicant and licensee and such further information concerning
13 each applicant and licensee as the board shall deem advisable.
The record shall show also whether the applicant was examined,
15 licensed or rejected under this and any prior act. Copies of any
of the entries of the record or of any certificate issued by the
17 board may be authenticated by any member of the board under its
seal and when so authenticated shall be evidence in all courts of
19 this State of the same weight and force as the original thereof.
For authenticating a copy of any entry or entries contained in its
21 record the board shall be paid a fee of \$3.00, but such
authentication, if made at the request of any public agency of
23 this or any other jurisdiction, may be without fee. (11) In its
discretion it may publish at such times as it shall determine a list
25 of nurses licensed under this act, a list of schools of nursing
accredited or approved under this act, and such other information
27 as it shall deem advisable. (12) It shall prescribe standards and
curricula for schools of nursing and evaluate and approve courses
29 for affiliation. (13) It shall hear and determine applications for
accreditation of schools of professional nursing, conduct
31 investigations before and after accreditation of such schools and
institutions with which they are affiliated, and issue, suspend or
33 revoke certificates of accreditation as hereinafter provided. (14)
It shall approve schools of practical nursing which shall conform
35 to the standards, curricula, and requirements prescribed by the
board, and suspend or revoke approval for violations thereof;
37 provided, that this power shall not extend to schools operated by
any board of education in this State. (15) It may consult with the
39 Medical Society of New Jersey and the New Jersey Hospital

1 Association with respect to any matter relating to the
administration of this act and shall consult with those
3 associations with respect to standards and curricula and any
change thereof for schools of nursing. (16) It shall issue subpoenas
5 for the attendance of witnesses and production of documents at
any hearing before the board authorized by this act and any
7 member of the board shall administer an oath or affirmation to
persons appearing to give testimony at such hearings. (17) It may
9 conduct any investigations, studies of nursing and nursing
education and related matters, and prepare and issue such
11 publications as in the judgment of the board will advance the
profession of nursing and its service to the public. (18) It shall
13 perform all other functions which are provided in this act to be
performed by it or which in the judgment of the board are
15 necessary or proper for the administration of this act. (19) It
shall from time to time prescribe rules and regulations not
17 inconsistent with this act. (20) It shall prescribe standards and
curricula for nurse aide education and training programs which a
19 nurse aide shall complete in order to work in this State. (21) It
shall review applications to provide nurse aide training programs
and shall issue, suspend or revoke program approval. (22) It shall
21 establish and maintain a registry of all individuals who have
successfully completed a nurse aide training and competency
23 evaluation program. The registry shall provide for the inclusion
of specific documented findings of patient abuse or
25 misappropriation of resident property involving an individual
listed in the registry, as well as any brief statement of the
27 individual disputing the findings. In the case of inquiries to the
registry concerning an individual listed in the registry, any
29 information disclosed concerning such a finding shall also include
disclosure of any statement in the registry relating to the finding
31 or a clear and accurate summary of that statement. (23) It shall
prescribe standards and requirements for a competency
33 evaluation program resulting in certification of the nurse aide,
and the renewal, revocation, and suspension of that certification.
35 (24) If application is made upon a form prescribed by the board on
or before September 1, 1989 the board shall issue without a
37 competency evaluation a certification to a nurse aide who
39 submits to the board evidence of a certification previously issued

1 by the New Jersey State Department of Health or New Jersey
3 State Department of Human Services provided that the applicant
4 has had one year of satisfactory experience as a nurse aide. (25)
5 An applicant for nurse aide certification shall pay to the board
6 the required fee at the time of application and at the time of
7 each application for re-examination.

8 e. Compensation. Each member of the board shall receive
9 \$15.00 per day for each day in which such member is actually
10 engaged in the discharge of duties and traveling and other
11 expenses necessarily incurred in the discharge of duties.

(cf: P.L.1979, c.339, s.1)

12 3. This act shall take effect immediately.

13

14

STATEMENT

15
16
17 This bill amends the nursing practice act, chapter 11 of Title
18 45 of the Revised Statutes, to authorize the New Jersey Board of
19 Nursing to approve nurse aide training programs. Under the bill's
20 provisions, the board is to prescribe standards for nurse aide
21 training programs which a nurse aide must successfully complete
22 in order to work in this State. The bill also empowers the board
23 to review applications to provide nurse aide training programs
24 and establish and maintain a nurse aide registry.

25

26

REGULATED PROFESSIONS

Health

27

28 Provides for nurse aide training programs.

29

ASSEMBLY HIGHER EDUCATION AND REGULATED
PROFESSIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4014

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 16, 1989

The Assembly Higher Education and Regulated Professions Committee favorably reports Assembly Bill No. 4014 with committee amendments.

As amended, this bill amends the nursing practice act, chapter 11 of Title 45 of the Revised Statutes, to provide for the certification of homemaker-home health aides by the New Jersey Board of Nursing. The bill also authorizes the board to approve homemaker-home health aide training programs which a homemaker-home health aide must complete in order to work in this State. The bill defines a homemaker-home health aide as a person who is employed by a home care services agency who is performing delegated nursing regimen or nursing tasks delegated through the authority of a duly licensed registered professional nurse. The bill defines a home care services agency as home health agencies licensed by the Department of Health, non-profit homemaker-home health aide agencies, and employment agencies and temporary help services firms which are engaged in the business of procuring employment for homemaker-home health aides.

The bill also provides that any individual who makes application for certification to the board within one year of the bill's effective date who submits evidence of previous certification issued by the Department of Health and one year of satisfactory experience as a homemaker-home health aide shall be certified by the board without a competency evaluation.

The committee amended the bill to limit the scope of the bill to homemaker-home health aides. The bill in its original form would have required certification by the New Jersey Board of Nursing of nurses aides who work in a variety of health care settings. The committee also amended the bill to delay its effective date for 180 days following enactment and to delete the requirement that the registry of certified homemaker-home health aides maintained by

the board include information regarding patient abuse or misappropriation of resident property. Finally, the committee amended the bill to clarify that investigations shall be conducted by the board and certifications suspended or revoked pursuant to the provisions of the uniform enforcement law, P.L. 1978, c. 73.

SENATE INSTITUTIONS, HEALTH AND WELFARE COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 4014

STATE OF NEW JERSEY

DATED: MARCH 20, 1989

The Senate Institutions, Health and Welfare Committee favorably reports Assembly Bill No. 4014 (1R).

This bill amends the nursing practice act, (N.J.S.A.45:11-23 et seq.), to provide for the certification of homemaker-home health aides (who work for a home care services agency) by the New Jersey Board of Nursing. The bill also authorizes the board to approve homemaker-home health aide training programs which a homemaker-home health aide must complete in order to work in this State.

The bill defines a homemaker-home health aide as a person who is employed by a home care services agency who is performing delegated nursing regimen or nursing tasks delegated through the authority of a duly licensed registered professional nurse. The bill's definition of a home care services agency includes home health agencies licensed by the Department of Health, nonprofit homemaker-home health aide agencies, and employment agencies and temporary help services firms which are engaged in the business of procuring employment for homemaker-home health aides.

The bill also provides that any individual who makes application for certification to the board within one year of the bill's effective date who submits evidence of previous certification issued by the Department of Health and one year of satisfactory experience as a homemaker-home health aide shall be certified by the board without a competency evaluation.

Presently, the Department of Health certifies homemaker-home health aides who are employed by licensed and certified home health agencies, nonprofit homemaker-home health agencies and some health care staffing services which are accredited to provide Medicare and Medicaid services. The department also certifies nurse aides who work in nursing homes.

Effective March 1, 1989, the department issued new guidelines for the certification of homemaker-home health aides which require that a person complete an 80-hour training course (60 hours of

classroom instruction and 20 hours of clinical experience in a home care agency). Upon completion of the training program a person must pass a written certification test in order to be certified as a homemaker-home health aide. The new guidelines do not "grandfather in" currently certified aides and require that these persons pass the written examination within two years. Under the previous guidelines, a homemaker-home health aide was required to complete a 60-hour training course (with no written examination) to be certified.

This bill is identical to Senate Bill No. 3340 (Codey), which the committee also reported favorably on this date.

[FIRST REPRINT]
ASSEMBLY, No. 4014
STATE OF NEW JERSEY

INTRODUCED DECEMBER 12, 1988

By Assemblymen HAYTAIAN, COLLINS and Singer

1 AN ACT concerning ¹the¹ certification of ¹[nurses aides training]
2 homemaker-home health aides¹ by the New Jersey Board of
3 Nursing and amending ¹and supplementing¹ P.L.1947, c.262.

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

7 1. Section 1 of P.L.1947, c.262 (C.45:11-23) is amended to
8 read as follows:

9 1. As used in this act.

10 a. The words "the board" mean the New Jersey Board of
11 Nursing created by this act.

12 b. The practice of nursing as a registered professional nurse is
13 defined as diagnosing and treating human responses to actual or
14 potential physical and emotional health problems, through such
15 services as casefinding, health teaching, health counseling, and
16 provision of care supportive to or restorative of life and
17 well-being, and executing medical regimen as prescribed by a
18 licensed or otherwise legally authorized physician or dentist.
19 Diagnosing in the context of nursing practice means that
20 identification of and discrimination between physical and
21 psychosocial signs and symptoms essential to effective execution
22 and management of the nursing regimen. Such diagnostic
23 privilege is distinct from a medical diagnosis. Treating means
24 selection and performance of those therapeutic measures
25 essential to the effective management and execution of the
26 nursing regimen. Human responses means those signs, symptoms,
27 and processes which denote the individual's health need or
28 reaction to an actual or potential health problem.

29 The practice of nursing as a licensed practical nurse is defined
30 as performing tasks and responsibilities within the framework of
31 casefinding; reinforcing the patient and family teaching program
through health teaching, health counseling and provision of

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:
¹ Assembly AHE committee amendments adopted February 16, 1989.

1 supportive and restorative care, under the direction of a
2 registered nurse or licensed or otherwise legally authorized
3 physician or dentist.

4 The terms "nursing," "professional nursing," and "practical
5 nursing" as used in this act shall not be construed to include
6 nursing by students enrolled in a school of nursing accredited or
7 approved by the board performed in the prescribed course of
8 study and training, nor nursing performed in hospitals, institutions
9 and agencies approved by the board for this purpose by graduates
10 of such schools pending the results of the first licensing
11 examination scheduled by the board following completion of a
12 course of study and training and the attaining of age qualification
13 for examination, or thereafter with the approval of the board in
14 the case of each individual pending results of subsequent
15 examinations; nor shall any of said terms be construed to include
16 nursing performed for a period not exceeding 12 months unless
17 the board shall approve a longer period, in hospitals, institutions
18 or agencies by a nurse legally qualified under the laws of another
19 state or country, pending results of an application for licensing
20 under this act, if such nurse does not represent or hold himself or
21 herself out as a nurse licensed to practice under this act; nor
22 shall any of said terms be construed to include the practice of
23 nursing in this State by any legally qualified nurse of another
24 state whose engagement made outside of this State requires such
25 nurse to accompany and care for the patient while in this State
26 during the period of such engagement, not to exceed 6 months in
27 this State, if such nurse does not represent or hold himself or
28 herself out as a nurse licensed to practice in this State; nor shall
29 any of said terms be construed to include nursing performed by
30 employees or officers of the United States Government or any
31 agency or service thereof while in the discharge of his or her
32 official duties; nor shall any of said terms be construed to include
33 services performed by [nurses aides, attendants, orderlies and
34 ward helpers in hospitals, institutions and agencies or by
35 technicians,] 1nurses aides, attendants, orderlies and ward helpers
36 in hospitals, institutions and agencies or by technicians,¹
37 physiotherapists [,] ^{1,1} or medical secretaries, and such duties
38 performed by said persons aforementioned shall not be subject to
39 rules or regulations which the board may prescribe concerning

1 nursing; nor shall any of said terms be construed to include first
aid nursing assistance, or gratuitous care by friends or members
3 of the family of a sick or infirm person, or incidental care of the
sick by a person employed primarily as a domestic or
5 housekeeper, notwithstanding that the occasion for such
employment may be sickness, if such incidental care does not
7 constitute professional nursing and such person does not claim or
purport to be a licensed nurse; nor shall any of said terms be
9 construed to include services rendered in accordance with the
practice of the religious tenets of any well-recognized church or
11 denomination which subscribes to the art of healing by prayer. A
person who is otherwise qualified shall not be denied licensure as
13 a professional nurse or practical nurse by reason of the
circumstances that such person is in religious life and has taken a
15 vow of poverty.

c. ¹[The words "nurse aide" refer to "nursing assistant,"
17 "home health aide," "patient care technician," or any health care
provider] "Homemaker-home health aide" means a person who is
19 employed by a home care services agency and who is¹ performing
delegated nursing regimen or nursing tasks delegated through the
21 authority of a duly licensed registered professional nurse; ¹[This
shall not be construed to include individuals who perform these
23 tasks in the offices of private physicians or in hospitals licensed
pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.)] "Home care
25 services agency" means home health agencies licensed by the
Department of Health pursuant to P.L.1971, c.136 (C.26:2H-1 et
27 al.), non-profit homemaker-home health aide agencies, and
employment agencies and temporary help services firms
29 regulated by the Attorney General pursuant to P.L.1951, c.337
(C.34:8-24 et seq.) and P.L.1960, c.39 (C.56:8-1 et seq.)
31 respectively, which are engaged in the business of procuring or
offering to procure employment for homemaker-home health
33 aides, where a fee is exacted, charged or received directly or
indirectly for procuring or offering to procure that employment¹.

35 Nothing in this act shall confer the authority to a person
licensed to practice nursing to practice another health profession
37 as currently defined in Title 45 of the Revised Statutes.

(cf: P.L.1974, c.109, s.1)

39 2. Section 2 of P.L.1947, c.262 (C.45:11-24) is amended to

1 read as follows:

2 2. a. The board; appointment; terms. In addition to the
3 members appointed to represent the interests of the public
4 pursuant to P.L.1971, c.60 as amended by P.L.1977, c.285
5 (C.45:1-2.2) the New Jersey Board of Nursing shall consist of 10
6 members, seven of whom shall be registered professional nurses,
7 two of whom shall be licensed practical nurses, and one of whom
8 shall be an additional public member, all to be appointed by the
9 Governor. Appointments to the board shall be for terms of 5
10 years or for the unexpired portion of a term in the case of a
11 vacancy for any cause within a term, and until a successor shall
12 be appointed and qualified. In making appointments the Governor
13 shall give due consideration to, but shall not be bound by,
14 recommendations submitted by the various nurses' professional
15 associations of this State. Upon notice and hearing, the Governor
16 may remove from office any member of the board for neglect of
17 duty, incompetency, unprofessional or dishonorable conduct.

18 b. Qualifications for appointment. Each registered
19 professional nurse member of the board shall be a citizen of the
20 United States and a resident of this State; shall be a graduate of
21 an accredited school of nursing within the United States; shall be
22 a registered nurse in this State; shall have had at least 5 years'
23 experience in professional nursing following graduation from an
24 accredited school of nursing; and shall at the time of appointment
25 be actively engaged in nursing or work relating thereto. The
26 licensed practical nurse members of the board shall be citizens of
27 the United States and residents of this State; shall hold a valid
28 license to practice practical nursing in this State; shall have had
29 at least 3 years' experience in practical nursing; and shall at the
30 time of appointment be actively engaged in practical nursing or
31 work related thereto.

32 c. Oath or affirmation of office. Within 30 days after receipt
33 of the commission, each appointee shall take, subscribe and file
34 in the office of the Secretary of State the oath or affirmation
35 prescribed by law.

36 d. Duties and powers. The board shall have the following
37 duties and powers: (1) It shall hold annual meetings and such
38 other meetings as it may deem necessary at such times and
39 places as the board shall prescribe and a majority of the board

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

1 of nurses licensed under this act, a list of schools of nursing
2 accredited or approved under this act, and such other information
3 as it shall deem advisable. (12) It shall prescribe standards and
4 curricula for schools of nursing and evaluate and approve courses
5 for affiliation. (13) It shall hear and determine applications for
6 accreditation of schools of professional nursing, conduct
7 investigations before and after accreditation of such schools and
8 institutions with which they are affiliated, and issue, suspend or
9 revoke certificates of accreditation as hereinafter provided. (14)
10 It shall approve schools of practical nursing which shall conform
11 to the standards, curricula, and requirements prescribed by the
12 board, and suspend or revoke approval for violations thereof;
13 provided, that this power shall not extend to schools operated by
14 any board of education in this State. (15) It may consult with the
15 Medical Society of New Jersey and the New Jersey Hospital
16 Association with respect to any matter relating to the
17 administration of this act and shall consult with those
18 associations with respect to standards and curricula and any
19 change thereof for schools of nursing. (16) It shall issue subpoenas
20 for the attendance of witnesses and production of documents at
21 any hearing before the board authorized by this act and any
22 member of the board shall administer an oath or affirmation to
23 persons appearing to give testimony at such hearings. (17) It may
24 conduct any investigations, studies of nursing and nursing
25 education and related matters, and prepare and issue such
26 publications as in the judgment of the board will advance the
27 profession of nursing and its service to the public. (18) It shall
28 perform all other functions which are provided in this act to be
29 performed by it or which in the judgment of the board are
30 necessary or proper for the administration of this act. (19) It
31 shall from time to time prescribe rules and regulations not
32 inconsistent with this act. (20) It shall prescribe standards and
33 curricula for ¹[nurse] homemaker-home health¹ aide education
34 and training programs which a ¹[nurse] homemaker-home health¹
35 aide shall complete in order to work in this State. (21) It shall
36 review applications to provide ¹[nurse] homemaker-home health¹
37 aide training programs and shall issue, suspend or revoke program
38 approval. (22) It shall establish and maintain a registry of all
39 individuals who have successfully completed a ¹[nurse]

1 homemaker-home health¹ aide training and competency
2 evaluation program. ¹[The registry shall provide for the inclusion
3 of specific documented findings of patient abuse or
4 misappropriation of resident property involving an individual
5 listed in the registry, as well as any brief statement of the
6 individual disputing the findings. In the case of inquiries to the
7 registry concerning an individual listed in the registry, any
8 information disclosed concerning such a finding shall also include
9 disclosure of any statement in the registry relating to the finding
10 or a clear and accurate summary of that statement.]¹ (23) It shall
11 prescribe standards and requirements for a competency
12 evaluation program resulting in certification of the ¹[nurse]
13 homemaker-home health¹ aide, and the renewal, revocation, and
14 suspension of that certification. ¹[(24) If application is made
15 upon a form prescribed by the board on or before September 1,
16 1989 the board shall issue without a competency evaluation a
17 certification to a nurse aide who submits to the board evidence of
18 a certification previously issued by the New Jersey State
19 Department of Health or New Jersey State Department of Human
20 Services provided that the applicant has had one year of
21 satisfactory experience as a nurse aide. (25) An applicant for
22 nurse aide certification shall pay to the board the required fee at
23 the time of application and at the time of each application for
24 re-examination.] (24) It shall review applications for homemaker
25 home-health aide certification and shall issue, suspend, revoke,
26 or fail to renew certifications and conduct investigations
27 pursuant to the provisions of P.L.1978, c.73 (C.45:1-14 et seq.).¹

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

(cf: P.L.1979, c.339, s.1)

32 ¹3. (New section) The board shall issue without a competency
33 evaluation a certification to a homemaker-home health aide who
34 makes application on a form prescribed by the board within one
35 year of the effective date of this 1989 amendatory and
36 supplementary act and who submits to the board evidence of a
37 certification previously issued by the New Jersey Department of
38 Health provided that the applicant has had one year of
39 Health provided that the applicant has had one year of

1 satisfactory experience as a homemaker-home health aide.¹

2 ¹4. (New section) An applicant for a homemaker-home health
3 aide certification shall pay a fee as prescribed by the board at
4 the time of application and at the time of each application for
5 re-examination.¹

6 ¹[3.] ^{5.}¹ This act shall take effect ¹[immediately] 180 days
7 following enactment except that the board shall immediately
8 take such administrative action as may be necessary to
9 implement the provisions of this act¹.

11

REGULATED PROFESSIONS

13

Health

15 Provides for the certification of homemaker-home health aides
by the New Jersey Board of Nursing.



OFFICE OF THE GOVERNOR

NEWS RELEASE

Governor Thomas H. Kean
TRENTON, N.J. 08625
Release:

CN-001

Contact: CARL GOLDEN
609-292-8956 OR 609-292-6000 EXT. 207

MON., 6/19/89

Governor Thomas H. Kean today signed legislation which will require the testing, training, licensing and regulating of homemaker-health care aides.

The bill , A-4014, sponsored by Assemblymen Garabed Haytaian, R-Warren, and Jack Collins, R-Salem, authorizes the State Board of Nursing to create the training program and registration system for the aides within six months.

"With this system in place, the Board of Nursing will be in a position to assure that homemaker-health aides are well-trained, competent and fully capable of providing service and care to their patients," Kean said. "There have been all to many cases in which persons providing home care have been ill-trained or have come to their jobs with less than outstanding backgrounds.

"Our goal is to create a system in New Jersey, under the direct control of the Board of Nursing, which will remove from the health care system the possibility of patients being ill-treated or neglected," the Governor said.

Currently, the training program of homemaker-health care aides is conducted by the Department of Health. This legislation shifts that responsibility to the Board of Nursing.

- more -

The bill also gives the Board the following responsibilities:

*Prescribe standard and curricula for homemaker-home health aide education and training programs.

*Review applications to provide homemaker-home health aide training programs.

*Establish and maintain a registry of all persons who have completed a homemaker-home health aide training and competency program.

*Prescribe standards and requirements for a competency evaluation program resulting in the certification of homemaker-home health aides.

*Review applications for homemaker-home health aide certification.

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GUIDELINES FOR TRAINING COURSES FOR
THE HOMEMAKER-HOME HEALTH AIDE

Training Course Approval

An approved training course consists of 80 hours of training, including completion of 60 hours of classroom instruction and 20 hours of clinical experience in a home health care agency. Homemaker-home health aides (H-HHA's) become certified when they pass the New Jersey Homemaker-Home Health Aide Certification Examination. In order to become eligible to take the New Jersey Homemaker-Home Health Aide Certification Examination, a person must first complete a training course approved by the New Jersey State Department of Health. The Homemaker-Home Health Aide Instructor's Manual (1983) is the curriculum which the New Jersey State Department of Health has approved for use in training courses for homemaker-home health aides. An approved training course may be conducted by a licensed home health agency, a licensed home health care agency, an agency which employs homemaker-home health aides, or an educational institution approved by the New Jersey State Department of Education. In all cases, the training course must use the approved curriculum in order to be approved by the Department of Health.

A copy of the Homemaker-Home Health Aide Instructor's Manual and the form needed to apply for approval of the training course may be obtained by sending a check for \$15.00, payable to the New Jersey State Department of Health, to:

New Jersey State Department of Health
Division of Health Facilities Evaluation
Licensing, Certification and Standards
CN 367
Trenton, New Jersey 08625-0367

In order for a training course to be approved, the following documents must be submitted to Licensing, Certification and Standards with a check for \$10.00 payable to the New Jersey State Department of Health:

1. Application for approval; and
2. Resume(s) of the classroom nursing instructor(s) only. Each resume must include the instructor's name, address, education (institution, type of degree or diploma, month and year of graduation), work experience (dates, including month and year, job title, duties, employer's name and address), and New Jersey registered professional nurse license number. Positions must be identified as being either full-time or part-time, and the resume must indicate the amount of time worked per week.

The completed application and resume of each classroom nursing instructor must be submitted at least 15 working days prior to the date of the first class. No training course may begin without the written approval of the Department. Any changes in a training course, such as changes in location of the classroom, changes in classroom nursing instructor(s), changes in

course dates, or discontinuation of the course, must be reported to Licensing, Certification and Standards by the administrator in writing on agency or institutional letterhead at least 15 working days prior to the planned change. No change may be implemented without the written approval of the Department.

The Department retains the right to deny or withdraw approval of a training course.

Administration Of The Training Course

The administrator of the agency or educational institution conducting the training course is responsible for ensuring that the curriculum is implemented in accordance with the Homemaker-Home Health Aide Instructor's Manual and with these requirements. The administrator is also responsible for ensuring that each instructor meets the qualifications specified in these requirements. The student shall be under the supervision of a registered professional nurse at all times when providing patient care as part of the student's clinical experience in the home. A registered professional nurse who supervises the student is responsible for evaluating the student's clinical performance in the home and for transmitting the results of the evaluation to the classroom nursing instructor. If the clinical experience takes place in an agency other than the one in which the classroom instruction takes place, then the agency or educational institution conducting the training course must develop and maintain a description of the mechanism implemented to transmit the results of the evaluation of the student's clinical performance to the classroom nursing instructor. No patient care provided by the student may exceed the tasks and procedures which the student has satisfactorily demonstrated as documented by the registered professional nurse on the Task and Procedure Form. (The Task and Procedure Form may be found in the curriculum). The training course is intended to provide H-HHA's with entry-level skills. The training course for H-HHA's is not a substitute for staff orientation and staff education programs.

Instructor Requirements

The classroom nursing instructor(s) for the training course must be a registered professional nurse currently licensed by the New Jersey State Board of Nursing.

The classroom nursing instructor must be one of the following:

1. Public Health Nurse - A registered professional nurse who has completed a baccalaureate degree program accredited by the National League for Nursing for public health nursing preparation, or post-baccalaureate study which includes content accredited by the National League for Nursing for public health nursing preparation; and who has at least one year of full-time, or full-time equivalent, experience as a registered professional nurse in a home health

care agency within the five years immediately preceding submission of the instructor's resume to Licensing, Certification and Standards for approval; or

2. Registered Professional Nurse - With at least three years of full-time, or full-time equivalent, experience as a registered professional nurse in a home health care agency within the five years immediately preceding submission of the instructor's resume to Licensing, Certification and Standards for approval.

The resume of each instructor currently teaching the training course must be available in the agency or educational institution. The agency or educational institution must establish job descriptions indicating the responsibilities of each instructor.

Instructors representing the different professional disciplines and services which work together to provide care to the patient may be utilized to teach the various sessions, in accordance with the outline for the training course in the curriculum (see attached). If such instructors are used to teach the training course, then there must be documentation of coordination of instruction. The instructors must have the following minimum qualifications:

Dietitian - A person who is registered or eligible for registration by the Commission on Dietetic Registration.

Physical Therapist - A person who is so licensed by the New Jersey State Board of Physical Therapy.

Occupational Therapist - A person who is certified or eligible for certification as an occupational therapist, registered (OTR) by the American Occupational Therapy Association.

Social Worker - A person who has a master's degree or a baccalaureate degree in social work from a school of social work accredited by the Council on Social Work Education.

Speech-Language Pathologist - A person who is licensed by the Audiology and Speech-Language Pathology Advisory Committee of the Division of Consumer Affairs of the New Jersey State Department of Law and Public Safety.

Home Economist - A person who has a bachelor's degree from a college or university with a major in home economics.

Student to Instructor Ratio

The student to instructor ratio for classroom instruction shall not exceed a ratio of 25 students to one instructor. The student shall be supervised by a registered professional nurse during the student's clinical experience in the home.

Curriculum Format

The Homemaker-Home Health Aide Instructor's Manual is designed to assist instructors in planning and conducting an educational program. The entire content of the curriculum is essential and must be taught in order to meet the State requirements for approval. Content may be neither added to nor deleted from the curriculum. The addendum to the curriculum contains the Task and Procedure Form and a section on patient rights. The training course includes the following modules:

- I. Environmental Needs of the Patient
- II. Psycho-Social Needs of the Patient
- III. Physical Needs of the Patient
- IV. Role of the Homemaker-Home Health Aide
- V. Communication Skills
- VI. Patient Rights

It should be noted that the instructors are free to formulate their own teaching strategies and student activities. The instructors must develop a lesson plan for each session prior to the starting date of the course. Written tests and quizzes should be developed by the instructors. The instructors must develop criteria for evaluating return demonstrations and clinical performance of students. Criteria must be established for the instructors to use in determining whether or not a student has satisfactorily completed the training course.

Classroom and Clinical Instruction

The training course shall consist of 80 hours of training, including 60 hours of classroom instruction and 20 hours of clinical experience in a home health care agency, and shall be completed within four months of the starting date of the training course. A student who is absent must complete the classroom/clinical instruction missed. For each training course, a course schedule indicating the title, date, time of day, and room number of each session must be available in the agency or educational institution.

Lesson Plans

The agency or educational institution conducting a training course must maintain on file a copy of the lesson plans for the curriculum. Each lesson plan shall state (a) the behavioral objective(s) of the lesson; (b) the content of the lesson; (c) a description of clinical activities for each lesson; (d) the hours of instruction; (e) method(s) of presentation and teacher strategies; and (f) method(s) for evaluation of students with

respect to their classroom performance and clinical performance in the home.

Student Records

Each agency or educational institution which conducts a training course must maintain a record for each student. The student record must include at least the beginning and ending dates of the training course, an attendance record, the instructor's evaluation of the student's classroom performance, and a supervising registered professional nurse's evaluation of the student's clinical performance in the home. Each student's record must indicate whether or not the student has satisfactorily completed all of the 80 course hours of training and has satisfactorily performed the tasks on the Task and Procedure Form. The agency or educational institution must ensure that a student who is absent receives the classroom and/or clinical instruction missed, as documented in the student's record.

Evaluation

The agency or educational institution must develop, implement, and document a process for evaluating the effectiveness of the training program. The process shall include at least the following: (a) assignment of responsibility for the evaluation process; (b) an annual written report of the findings, conclusions and recommendations; (c) a written evaluation, by the agency or educational institution, of instructor(s) performance; (d) written evaluations, by students, of the training program; and (e) statistical data. The statistical data must include the following for each course: (1) beginning and ending dates; (2) number of students enrolled; (3) number and percentage of students who satisfactorily completed the course; (4) average grade for classroom instruction and average grade for clinical experience; (5) number and percentage of students who failed the course; (6) number and percentage of students who satisfactorily completed the classroom instruction; (7) number and percentage of students who failed the classroom instruction; (8) number and percentage of students who satisfactorily completed the clinical experience; (9) number and percentage of students who failed the clinical experience; (10) number and percentage of students who passed the New Jersey Homemaker-Home Health Aide Certification Examination; and (11) number and percentage of students who failed the New Jersey Homemaker-Home Health Aide Certification Examination. This documentation and this data are to be kept on file in the agency or educational institution.

Information

Information concerning certification of homemaker-home health aides and the establishment of approved training courses can be obtained from:

New Jersey State Department of Health
Division of Health Facilities Evaluation
Licensing, Certification and Standards
CN 367
Trenton, New Jersey 08625-0367
Phone (609) 588-7771

The New Jersey State Department of Health will monitor all training courses for homemaker-home health aides. Failure to implement these requirements may result in the imposition of sanctions by the Department and may jeopardize the students' eligibility to take the New Jersey Homemaker-Home Health Aide Certification Examination.

Examination

In order to become certified as a H-HHA, a person must successfully complete an approved training course and pass the New Jersey Homemaker-Home Health Aide Certification Examination. Information regarding the New Jersey Homemaker-Home Health Aide Certification Examination may be obtained by calling or writing to:

New Jersey Homemaker-Home Health Aide Certification Examination
Assessment Systems, Inc.
718 Arch Street
Philadelphia, Pennsylvania 19106
Phone (215) 592-0266

BECOMING A CERTIFIED HOMEMAKER - HOME
HEALTH AIDE IN NEW JERSEY

An aim of the New Jersey State Department of Health is to promote high-quality home health care through well-planned and well-executed training of homemaker-home health aides (H-HHA's) working in home health care agencies in New Jersey. The process of certification was established in order to achieve this objective. The purpose of this document is to inform interested persons of the procedures for becoming a certified homemaker-home health aide.

A person becomes certified as a H-HHA by taking a training course approved by the Department of Health and then passing the New Jersey Homemaker-Home Health Aide Certification Examination. A person who has successfully completed an approved homemaker-home health aide training course prior to January 1, 1989, will have two years (until January 1, 1991) to register for a scheduled certification examination and pass the examination.

After successfully completing an approved training course, a person must register for the next scheduled administration of the New Jersey Homemaker-Home Health Aide Certification Examination. The person may be employed by a home health agency licensed by the Department of Health while awaiting the next scheduled examination. Information regarding the New Jersey Homemaker-Home Health Certification Examination, including eligibility requirements, filing deadlines, and an application form, may be obtained by calling or writing to:

New Jersey Homemaker-Home Health Aide
Certification Examination
Assessment Systems, Inc.
718 Arch Street
Philadelphia, PA 19106
Phone (215) 592-0266

If the person fails this first attempt to pass the examination, the person may retake the examination provided that he or she registers for the next scheduled examination. The person may continue to be employed by a home health agency licensed by the Department of Health while awaiting the next scheduled examination. Passing either the first or second examination results in certification as a H-HHA. If, however, the person fails both examinations, he or she must take another approved training course before proceeding to take the examination again.

A person who does not satisfy the eligibility requirements for the examination, but considers oneself to be qualified to take the examination, may submit a letter stating in detail the basis for requesting a waiver of the eligibility requirement(s). H-HHA's certified in another state should include a copy of the certificate and should also document the number of hours of classroom and clinical instruction which the H-HHA received in the various areas of the course curriculum. Documentation of training not specifically related to home health care, such as long-term care nurse aide certificates, will not be accepted as a basis for granting a

waiver. Waiver requests and questions regarding the certification of homemaker-home health aides should be directed in writing to:

Dr. Solomon Goldberg
Director
Licensing, Certification and Standards
Division of Health Facilities Evaluation
CN 367
Trenton, New Jersey 08625-0367

A waiver to take the New Jersey Homemaker-Home Health Aide Certification Examination applies to only one administration of the examination.

Student nurses and graduate nurses who wish to become certified homemaker-home health aides need to pass the New Jersey Homemaker-Home Health Aide Certification Examination. The student nurse or graduate nurse may take the examination one time without having taken an approved training course for H-HHA's provided that the nurse requests a waiver in the manner specified above. The written request must include documentation of successful completion of a course in the fundamentals of nursing. If the nurse fails the examination, he or she must take an approved training course before proceeding to take the examination again. Successful completion of an approved training course must be followed by registration for the next scheduled administration of the New Jersey Homemaker-Home Health Aide Certification Examination.

Persons in the process of pursuing certification who, in accordance with the procedures specified above, may be employed by a home health agency licensed by the Department of Health will be considered to be certified for the purpose of determining whether or not the agency is in compliance with the Standards for Licensure of Home Health Agencies, N.J.A.C. 8:42.