

LEGISLATIVE HISTORY CHECKLIST

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LAWS of 1999

CHAPTER: 101

NJSA: 45:11-23

(Home health aide -- license)

BILL NO: A1656

SPONSOR(S): Wright

DATE INTRODUCED: February 10, 1998

COMMITTEE:

ASSEMBLY: Health

SENATE: Health

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE:

ASSEMBLY: June 18, 1998

SENATE: March 22, 1999

DATE OF APPROVAL: May 6, 1999

THE FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL 1st Reprint

(Amendments during passage denoted by superscript numbers)

A1656

SPONSORS STATEMENT: *Yes* Begins on page 4 of original bill)

COMMITTEE STATEMENT:

ASSEMBLY: *Yes*

SENATE: *Yes*

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *No*

GOVERNOR'S ACTIONS

VETO MESSAGE: *No*

GOVERNOR'S PRESS RELEASE ON SIGNING: *Yes*

THE FOLLOWING WERE PRINTED:

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REPORTS: *No*

HEARINGS: *No*

NEWSPAPER ARTICLES: *No*

P.L. 1999, CHAPTER 101, *approved May 6, 1999*
Assembly, No. 1656 (*First Reprint*)

1 AN ACT concerning homemaker-home health aides and amending
2 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 1 of P.L.1947, c.262 (C.45:11-23) is amended to read
8 as follows:

9 1. As used in this act:

10 a. The words "the board" mean the New Jersey Board of Nursing
11 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 well-being,
17 and executing medical regimens as prescribed by a licensed or
18 otherwise legally authorized physician or dentist. Diagnosing in the
19 context of nursing practice means that identification of and
20 discrimination between physical and psychosocial signs and symptoms
21 essential to effective execution and management of the nursing
22 regimen. Such diagnostic privilege is distinct from a medical
23 diagnosis. Treating means selection and performance of those
24 therapeutic measures essential to the effective management and
25 execution of the nursing regimen. Human responses means those
26 signs, symptoms, and processes which denote the individual's health
27 need or reaction to an actual or potential health problem.

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

34 The terms "nursing," "professional nursing," and "practical nursing"
35 as used in this act shall not be construed to include nursing by students
36 enrolled in a school of nursing accredited or approved by the board
37 performed in the prescribed course of study and training, nor nursing
38 performed in hospitals, institutions and agencies approved by the
39 board for this purpose by graduates of such schools pending the results
40 of the first licensing examination scheduled by the board following

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 AHL committee amendments adopted May 4, 1998.

1 completion of a course of study and training and the attaining of age
2 qualification for examination, or thereafter with the approval of the
3 board in the case of each individual pending results of subsequent
4 examinations; nor shall any of said terms be construed to include
5 nursing performed for a period not exceeding 12 months unless the
6 board shall approve a longer period, in hospitals, institutions or
7 agencies by a nurse legally qualified under the laws of another state or
8 country, pending results of an application for licensing under this act,
9 if such nurse does not represent or hold himself or herself out as a
10 nurse licensed to practice under this act; nor shall any of said terms be
11 construed to include the practice of nursing in this State by any legally
12 qualified nurse of another state whose engagement made outside of
13 this State requires such nurse to accompany and care for the patient
14 while in this State during the period of such engagement, not to
15 exceed six months in this State, if such nurse does not represent or
16 hold himself or herself out as a nurse licensed to practice in this State;
17 nor shall any of said terms be construed to include nursing performed
18 by employees or officers of the United States Government or any
19 agency or service thereof while in the discharge of his or her official
20 duties; nor shall any of said terms be construed to include services
21 performed by nurses aides, attendants, orderlies and ward helpers in
22 hospitals, institutions and agencies or by technicians, physiotherapists,
23 or medical secretaries, and such duties performed by said persons
24 aforementioned shall not be subject to rules or regulations which the
25 board may prescribe concerning nursing; nor shall any of said terms be
26 construed to include first aid nursing assistance, or gratuitous care by
27 friends or members of the family of a sick or infirm person, or
28 incidental care of the sick by a person employed primarily as a
29 domestic or housekeeper, notwithstanding that the occasion for such
30 employment may be sickness, if such incidental care does not
31 constitute professional nursing and such person does not claim or
32 purport to be a licensed nurse; nor shall any of said terms be construed
33 to include services rendered in accordance with the practice of the
34 religious tenets of any well-recognized church or denomination which
35 subscribes to the art of healing by prayer. A person who is otherwise
36 qualified shall not be denied licensure as a professional nurse or
37 practical nurse by reason of the circumstances that such person is in
38 religious life and has taken a vow of poverty.

39 c. "Homemaker-home health aide" means a person who is
40 employed by a home care services agency and who is performing
41 delegated nursing regimens or nursing tasks delegated through the
42 authority of a duly licensed registered professional nurse. "Home care
43 services agency" means home health agencies, assisted living
44 residences, comprehensive personal care homes, assisted living
45 programs or alternate family care ¹ **[providers]** sponsor agencies¹
46 licensed by the Department of Health and Senior Services pursuant to

1 P.L.1971, c.136 (C.26:2H-1 et al.), nonprofit homemaker-home health
2 aide agencies, and ¹ [employment agencies and temporary help
3 services] health care service¹ firms regulated by the Director of the
4 Division of Consumer Affairs in the Department of Law and Public
5 Safety and the Attorney General pursuant to P.L.1989, c.331
6 (C.34:8-43 et seq.) and P.L.1960, c.39 (C.56:8-1 et seq.) respectively,
7 which are engaged in the business of procuring or offering to procure
8 employment for homemaker-home health aides, where a fee [is] may
9 be exacted, charged or received directly or indirectly for procuring or
10 offering to procure that employment.

11 d. "Nurse practitioner/clinical nurse specialist" means a person who
12 holds a certification in accordance with section 8 or 9 of P.L.1991,
13 c.377 (C.45:11-47 or 45:11-48).

14 e. "Collaborating physician" means a person licensed to practice
15 medicine and surgery pursuant to chapter 9 of Title 45 of the Revised
16 Statutes who agrees to work with a nurse practitioner/clinical nurse
17 specialist.

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

21 (cf: P.L.1991, c.377, s.2)

22

23 2. This act shall take effect immediately.

24

25

26

27

28 _____
29 Applies certification provisions of law to homemaker-home health
30 aides working in assisted living residences, comprehensive personal
31 care homes, assisted living programs and alternate family care
providers.

ASSEMBLY, No. 1656

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED FEBRUARY 10, 1998

Sponsored by:

Assemblywoman BARBARA WRIGHT

District 14 (Mercer and Middlesex)

SYNOPSIS

Applies certification provisions of law to homemaker-home health aides working in assisted living residences, comprehensive personal care homes, assisted living programs and alternate family care providers.

CURRENT VERSION OF TEXT

As introduced.



A1656 WRIGHT

2

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19 context of nursing practice means that identification of and
20 discrimination between physical and psychosocial signs and symptoms
21 essential to effective execution and management of the nursing
22 regimen. Such diagnostic privilege is distinct from a medical
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31 through health teaching, health counseling and provision of supportive
32 and restorative care, under the direction of a registered nurse or
33 licensed or otherwise legally authorized physician or dentist.

34 The terms "nursing," "professional nursing," and "practical nursing"
35 as used in this act shall not be construed to include nursing by students
36 enrolled in a school of nursing accredited or approved by the board
37 performed in the prescribed course of study and training, nor nursing
38 performed in hospitals, institutions and agencies approved by the
39 board for this purpose by graduates of such schools pending the results
40 of the first licensing examination scheduled by the board following
41 completion of a course of study and training and the attaining of age
42 qualification for examination, or thereafter with the approval of the
43 board in the case of each individual pending results of subsequent

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3 board shall approve a longer period, in hospitals, institutions or
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5 country, pending results of an application for licensing under this act,
6 if such nurse does not represent or hold himself or herself out as a
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8 construed to include the practice of nursing in this State by any legally
9 qualified nurse of another state whose engagement made outside of
10 this State requires such nurse to accompany and care for the patient
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17 duties; nor shall any of said terms be construed to include services
18 performed by nurses aides, attendants, orderlies and ward helpers in
19 hospitals, institutions and agencies or by technicians, physiotherapists,
20 or medical secretaries, and such duties performed by said persons
21 aforementioned shall not be subject to rules or regulations which the
22 board may prescribe concerning nursing; nor shall any of said terms be
23 construed to include first aid nursing assistance, or gratuitous care by
24 friends or members of the family of a sick or infirm person, or
25 incidental care of the sick by a person employed primarily as a
26 domestic or housekeeper, notwithstanding that the occasion for such
27 employment may be sickness, if such incidental care does not
28 constitute professional nursing and such person does not claim or
29 purport to be a licensed nurse; nor shall any of said terms be construed
30 to include services rendered in accordance with the practice of the
31 religious tenets of any well-recognized church or denomination which
32 subscribes to the art of healing by prayer. A person who is otherwise
33 qualified shall not be denied licensure as a professional nurse or
34 practical nurse by reason of the circumstances that such person is in
35 religious life and has taken a vow of poverty.

36 c. "Homemaker-home health aide" means a person who is
37 employed by a home care services agency and who is performing
38 delegated nursing regimens or nursing tasks delegated through the
39 authority of a duly licensed registered professional nurse. "Home care
40 services agency" means home health agencies, assisted living
41 residences, comprehensive personal care homes, assisted living
42 programs or alternate family care providers licensed by the
43 Department of Health and Senior Services pursuant to P.L.1971, c.136
44 (C.26:2H-1 et al.), nonprofit homemaker-home health aide agencies,
45 and employment agencies and temporary help services firms regulated
46 by the Director of the Division of Consumer Affairs in the Department

1 of Law and Public Safety and the Attorney General pursuant to
2 P.L.1989, c.331 (C.34:8-43 et seq.) and P.L.1960, c.39 (C.56:8-1 et
3 seq.) respectively, which are engaged in the business of procuring or
4 offering to procure employment for homemaker-home health aides,
5 where a fee **[is]** may be exacted, charged or received directly or
6 indirectly for procuring or offering to procure that employment.

7 d. "Nurse practitioner/clinical nurse specialist" means a person
8 who holds a certification in accordance with section 8 or 9 of
9 P.L.1991, c.377 (C.45:11-47 or 45:11-48).

10 e. "Collaborating physician" means a person licensed to practice
11 medicine and surgery pursuant to chapter 9 of Title 45 of the Revised
12 Statutes who agrees to work with a nurse practitioner/clinical nurse
13 specialist.

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

17 (cf: P.L.1991, c.377, s.2)

18

19 2. This act shall take effect immediately.

20

21

22 STATEMENT

23

24 This bill amends P.L.1947, c.262 (C.45:11-23 et seq.) to extend its
25 provisions governing certification of homemaker-home health aides by
26 the New Jersey Board of Nursing to apply to homemaker-home health
27 aides working in assisted living residences, comprehensive personal
28 care homes, assisted living programs and alternate family care
29 providers licensed by the Department of Health and Senior Services.
30 The bill expands the definition of "home care services agency" in
31 section 1 of P.L.1947, c.262 (C.45:11-23) to include these other
32 settings, in addition to home health agencies as currently provided in
33 the law.

ASSEMBLY HEALTH COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1656

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 4, 1998

The Assembly Health Committee reports favorably and with committee amendments Assembly Bill No. 1656.

As amended by the committee, this bill amends P.L.1947, c.262 (C.45:11-23 et seq.) to extend its provisions governing certification of homemaker-home health aides by the New Jersey Board of Nursing to apply to homemaker-home health aides working in assisted living residences, comprehensive personal care homes, assisted living programs and alternate family care sponsor agencies licensed by the Department of Health and Senior Services. The bill expands the definition of "home care services agency" in section 1 of P.L.1947, c.262 (C.45:11-23) to include these other settings, in addition to home health agencies as currently provided in the law.

The committee amended the bill at the request of the sponsor, on behalf of the Home Health Assembly of New Jersey, to substitute the term "alternate family care sponsor agencies" for "alternate family care providers" and "health care service firms" for "employment agencies and temporary help services firms," in order to provide for the correct use of terms with respect to the employment of homemaker-home health aides.

SENATE HEALTH COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 1656

STATE OF NEW JERSEY

DATED: SEPTEMBER 17, 1998

The Senate Health Committee reports favorably Assembly Bill No. 1656 (1R).

This bill amends P.L.1947, c.262 (C.45:11-23 et seq.) to extend its provisions governing certification of homemaker-home health aides by the New Jersey Board of Nursing to apply to homemaker-home health aides working in assisted living residences, comprehensive personal care homes, assisted living programs and alternate family care sponsor agencies licensed by the Department of Health and Senior Services. The bill expands the definition of "home care services agency" in section 1 of P.L.1947, c.262 (C.45:11-23) to include these other settings, in addition to home health agencies as currently provided in the law.

Office of the Governor
NEWS RELEASE

PO BOX 004
TRENTON, NJ 08625

CONTACT: Gene Herman
609-777-2600

RELEASE: May 6, 1999

Gov. Christie Whitman today signed the following pieces of legislation:

A-29, sponsored by assembly Members Jack Collins (R-Salem/Cumberland/Gloucester) and Kenneth Faulkner (R-Burlington/Camden) and Senators Diane B. Allen (R-Burlington/Camden) and Leonard T. Connors, Jr. (R-Atlantic/Burlington/Ocean), appropriates \$17.5 million to the New Jersey Commerce and Economic Growth Commission for loans and grants for eight economic development sites in the Delaware River and Bay Region. The funds will be appropriated from the 1996 Economic Development Site Fund. The funds will be allocated in the following manner:

- A loan of \$515,000 for the Coriel Institute for Medical Research in Camden County for a new laboratory;
- A loan of \$1,250,000 and a grant of \$250,000 for the Barnegat Bay Decoy and Baymen's Museum in Ocean County for the construction of a waterfront site in Tuckerton;
- A loan of \$2.5 million and a grant of \$1 million to Rutgers and the Cooper's Ferry Development Association for capital improvements to the Nipper Building that would enable the Nutraceuticals Institute to be located with the Urban Enterprise Zone on the Camden waterfront;
- A loan of \$485,000 and a grant of \$500,000 for Wheaton Village located in Cumberland County to expand its facility;
- A loan of \$1 million for Del Lines, L. L. C. to create a marine terminal and a distribution center in Camden County;
- A grant of \$5 million to Burlington County to capitalize a revolving loan fund for projects along the Route 130 corridor;
- A grant of \$5 million to Salem County for the development of the Salem County Industrial Park.

The loans authorized in the bill would be zero-interest loans, with a maximum repayment term of 20 years. In a line item veto, the Governor eliminated the line item appropriation for the loan of \$2.5 million for Camden Iron and Metal, Incorporated, out of concern that the proposed project would result in a negative fiscal impact to the Southern Jersey Port Corporation, which receives state funding.

A-1656, sponsored by Assembly Member Barbara Wright (R-Mercer/Middlesex), amends current law to extend the provisions governing certification of homemaker-home health aides by the New Jersey Board of Nursing to homemaker-home health aides working in assisted living residences, comprehensive personal care homes, assisted living programs and alternate family care sponsored agencies licensed by the Department of Health and Senior Services. The bill expands the definition of home care services agency to include these other settings, in addition to the traditional licensed home health agencies as previously provided in the law. Thus, all certified homemaker-home health aides employed in these other settings would qualify for recertification. Under previous law, certified homemaker-home health aides may have been faced with the prospect of losing their certification if, at

the time they needed to be recertified, they were employed in a health care setting other than through a traditional home care services agency. In addition, the bill changed previous law to provide that a fee may be charged, but does not have to be charged (as was required under the previous statute) by a health care service firm for procuring employment for a homemaker-home health aide in order for that aide to be eligible for certification by virtue of the aide's relationship with the health care service firm.

S-986, sponsored by Senator Robert W. Singer (R-Burlington/Monmouth/Ocean), prohibits the Department of Environmental Protection from adopting any code, regulation, rule or standard that diminishes the efficacy of a hospital medical disinfectant in killing or inactivating agents of infectious diseases, including, but not limited to, restrictions on the volatile organic compound (VOC) content or emissions caused by the use of such products, unless otherwise required by federal law, rule or regulation.

A-1669, sponsored by Assembly Members E. Scott Garrett (R-Sussex/Hunterdon/Morris) and Micheal J. Arnone (R-Monmouth) and Senators Diane B. Allen (R-Burlington/Camden) and Louis F. Kosco (R-Bergen), provides a Neighborhood and Business Child Care Tax Incentive Program. The bill allows the corporate and individual contributors to the eight new child care centers established pursuant to two related bills to receive tax credits based on their expenditures toward child care facilities and operations for the three-year life of the pilot initiatives.

A-1771, sponsored by Assembly Members John C. Gibson (R-Cape May/Atlantic/Cumberland) and Nicholas Asselta (R-Cape May/Atlantic/Cumberland) and Senator James S. Cafiero (R-Cape May/Atlantic/Cumberland), reappropriates \$645,000 from the Jobs, Education and Competitiveness Fund to the Commission on Higher Education. The bill rescinds prior appropriations totaling \$645,000 for the construction of child care facilities at Cumberland, Hudson, Ocean, Union and Warren County community colleges. The five institutions initially received the funds under a portion of the Jobs, Education and Competitiveness Fund that by statute is to be used for statewide or regional purposes. The five colleges requested the reallocation of their allotment because either there was no longer a need for child care facilities or the amounts appropriated were insufficient to fund the projects. The funds could not be reallocated to other projects at the five colleges because the Commission on Higher Education determined that no other statewide or regional projects were being done by those institutions. The bill reappropriates the rescinded amounts to the commission for the provision of community college services to the residents of Cape May County and the surrounding area, services the commission deemed important to the region. The funds will be used to support the capital needs resulting from the joint agreement between Cape May and Atlantic County to form a community college.