

45:11-24

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LAWS OF: 1999 **CHAPTER:** 436
NJSA: 45:11-24 (Board of Nursing –regulate unlicensed personnel)

BILL NO: A3105

SPONSOR(S): Vandervalk

DATE INTRODUCED: May 6, 1999

COMMITTEE: **ASSEMBLY:** Health

SENATE: Health

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** January 10, 2000

SENATE: January 10, 2000

DATE OF APPROVAL: January 18, 2000

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL:](#) First Reprint
(Amendments during passage denoted by superscript numbers)

[SPONSORS STATEMENT:](#) (Begins on page 6 of original bill) [Yes](#)

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)

[SENATE:](#) [Yes](#)

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR’S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

P.L. 1999, CHAPTER 436, *approved January 18, 2000*
Assembly, No. 3105 (*Second Reprint*)

1 **AN ACT** concerning unlicensed assistive personnel, amending
2 P.L.1947, c.262, and supplementing Title 26 of the Revised
3 Statutes.

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

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

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

26 b. Qualifications for appointment. The nurse practitioner/clinical
27 nurse specialist member shall be a resident of this State, shall be a
28 graduate of an accredited nurse practitioner/clinical nurse specialist
29 program, shall have had at least five years' experience in professional
30 nursing, shall at the time of appointment be actively working as a
31 nurse practitioner/clinical nurse specialist, and, except for the member
32 first appointed, shall hold a certification as a nurse practitioner/clinical
33 nurse specialist pursuant to P.L.1991, c.377 (C.45:11-45 et al.). Each
34 registered professional nurse member of the board shall be a citizen of
35 the United States and a resident of this State; shall be a graduate of an
36 accredited school of nursing within the United States; shall be a
37 registered nurse in this State; shall have had at least five years'
38 experience in professional nursing following graduation from an
39 accredited school of nursing; and shall at the time of appointment be

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 June 7, 1999.

² Senate SHH committee amendments adopted December 6, 1999.

1 actively engaged in nursing or work relating thereto. The licensed
2 practical nurse members of the board shall be citizens of the United
3 States and residents of this State; shall hold a valid license to practice
4 practical nursing in this State; shall have had at least three years'
5 experience in practical nursing; and shall at the time of appointment be
6 actively engaged in practical nursing or work related thereto.

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

10 d. Duties and powers. The board shall have the following duties
11 and powers: (1) It shall hold annual meetings and such other meetings
12 as it may deem necessary at such times and places as the board shall
13 prescribe and a majority of the board including one officer shall
14 constitute a quorum. (2) It shall elect from its members and prescribe
15 the duties of a president and secretary-treasurer, each of whom shall
16 serve for one year and until a successor is elected. (3) It shall appoint
17 and prescribe the duties of an executive secretary to the board who
18 need not be a member thereof but who shall be a citizen of the United
19 States, a graduate of a college or university with a major in nursing
20 education, a registered nurse of this State with at least five years'
21 experience in teaching or administration or both in an accredited
22 school of professional nursing, or have equivalent qualifications as
23 determined by the board. The executive secretary shall hold office
24 during the will and pleasure of the board. (4) It shall employ and
25 prescribe the duties of such persons as in its judgment shall be
26 necessary for the proper performance and execution of the duties and
27 powers of the board. (5) It shall determine and pay reasonable
28 compensation and necessary expenses of the executive secretary and
29 all employees of the board. (6) It shall pay to each member of the
30 board the compensation hereinafter provided. (7) It shall have a
31 common seal, keep an official record of all its meetings, and through
32 its secretary-treasurer report annually to the Governor the work of the
33 board. (8) It shall examine applicants for a license or renewals thereof,
34 issue, renew, revoke and suspend licenses, as hereinafter provided. (9)
35 It shall in its discretion investigate and prosecute all violations of
36 provisions of this act. (10) It shall keep an official record which shall
37 show the name, age, nativity and permanent place of residence of each
38 applicant and licensee and such further information concerning each
39 applicant and licensee as the board shall deem advisable. The record
40 shall show also whether the applicant was examined, licensed or
41 rejected under this and any prior act. Copies of any of the entries of
42 the record or of any certificate issued by the board may be
43 authenticated by any member of the board under its seal and when so
44 authenticated shall be evidence in all courts of this State of the same
45 weight and force as the original thereof. For authenticating a copy of
46 any entry or entries contained in its record the board shall be paid a fee

1 of \$3.00, but such authentication, if made at the request of any public
2 agency of this or any other jurisdiction, may be without fee. (11) In its
3 discretion it may publish at such times as it shall determine a list of
4 nurses licensed under this act, a list of schools of nursing accredited
5 or approved under this act, and such other information as it shall deem
6 advisable. (12) It shall prescribe standards and curricula for schools of
7 nursing and evaluate and approve courses for affiliation. (13) It shall
8 hear and determine applications for accreditation of schools of
9 professional nursing, conduct investigations before and after
10 accreditation of such schools and institutions with which they are
11 affiliated, and issue, suspend or revoke certificates of accreditation as
12 hereinafter provided. (14) It shall approve schools of practical nursing
13 which shall conform to the standards, curricula, and requirements
14 prescribed by the board, and suspend or revoke approval for violations
15 thereof; provided, that this power shall not extend to schools operated
16 by any board of education in this State. (15) It may consult with the
17 Medical Society of New Jersey and the New Jersey Hospital
18 Association with respect to any matter relating to the administration
19 of this act and shall consult with those associations with respect to
20 standards and curricula and any change thereof for schools of nursing.
21 (16) It shall issue subpoenas for the attendance of witnesses and
22 production of documents at any hearing before the board authorized
23 by this act and any member of the board shall administer an oath or
24 affirmation to persons appearing to give testimony at such hearings.
25 (17) It may conduct any investigations, studies of nursing and nursing
26 education and related matters, and prepare and issue such publications
27 as in the judgment of the board will advance the profession of nursing
28 and its service to the public. (18) It shall perform all other functions
29 which are provided in this act to be performed by it or which in the
30 judgment of the board are necessary or proper for the administration
31 of this act. (19) It shall from time to time prescribe rules and
32 regulations not inconsistent with this act. (20) It shall prescribe
33 standards and curricula for homemaker-home health aide education
34 and training programs which a homemaker-home health aide shall
35 complete in order to work in this State. (21) It shall review
36 applications to provide homemaker-home health aide training
37 programs and shall issue, suspend or revoke program approval. (22)
38 It shall establish and maintain a registry of all individuals who have
39 successfully completed a homemaker-home health aide training and
40 competency evaluation program. (23) It shall prescribe standards and
41 requirements for a competency evaluation program resulting in
42 certification of the homemaker-home health aide, and the renewal,
43 revocation, and suspension of that certification. (24) It shall review
44 applications for homemaker home-health aide certification and shall
45 issue, suspend, revoke, or fail to renew certifications and conduct
46 investigations pursuant to the provisions of P.L.1978, c.73 (C.45:1-14

1 et seq.). (25) It shall require that nursing school curricula include, and
2 shall prescribe standards for, the training of registered professional
3 nurses in the supervision of, and the delegation of nursing tasks to,
4 unlicensed assistive personnel, and shall further prescribe standards
5 establishing the criteria for determining those tasks which registered
6 professional nurses may delegate to unlicensed assistive personnel
7 working under their supervision and the type of supervision required
8 with respect to those personnel. (26) It shall prescribe standards and
9 requirements for unlicensed assistive personnel, including initial
10 education and continuing education and a competency evaluation
11 program, which these personnel shall satisfy in order to work in this
12 State. ¹As used in this paragraph and in paragraph (25) of this
13 subsection, "unlicensed assistive personnel" means any unlicensed or
14 uncertified personnel employed by a licensed health care facility that
15 perform nursing tasks which do not require the skill or judgment of a
16 registered professional nurse and which are assigned to them by, and
17 carried out under the supervision of, a registered professional nurse.¹
18 ²(27) It may require licensees to meet continuing education
19 requirements as a condition of relicensure.²

20 e. Compensation. Each member of the board shall receive \$15.00
21 per day for each day in which such member is actually engaged in the
22 discharge of duties and traveling and other expenses necessarily
23 incurred in the discharge of duties.

24 (cf: P.L.1991, c.377, s.3)

25

26 2. (New section) a. The Commissioner of Health and Senior
27 Services, pursuant to the "Administrative Procedure Act," P.L.1968,
28 c.410 (C.52:14B-1 et seq.), shall adopt regulations governing the use
29 of unlicensed assistive personnel in licensed health care facilities, in
30 consultation with at least the following: the Director of the Division
31 of Consumer Affairs in the Department of Law and Public Safety, the
32 New Jersey Hospital Association, the New Jersey Association of
33 Health Care Facilities, the Medical Society of New Jersey, and the
34 New Jersey State Nurses Association.

35 ¹As used in this section, "unlicensed assistive personnel" means any
36 unlicensed or uncertified personnel employed by a licensed health care
37 facility that perform nursing tasks which do not require the skill or
38 judgment of a registered professional nurse and which are assigned to
39 them by, and carried out under the supervision of, a registered
40 professional nurse.¹

41 b. The regulations adopted pursuant to subsection a. of this
42 section, shall require, at a minimum, that:

43 (1) unlicensed assistive personnel employed by a health care facility
44 meet the standards and requirements for education and competency
45 evaluation prescribed by the New Jersey Board of Nursing pursuant to
46 paragraph (26) of subsection d. of section 2 of P.L.1947, c.262

1 (C.45:11-24); and

2 (2) a health care facility, prior to implementing the use of
3 unlicensed assistive personnel, establish a multidisciplinary committee,
4 including representation from registered professional nurses,
5 physicians, administrative staff, and unlicensed assistive personnel, to
6 evaluate the need for using these personnel, formulate and adopt a
7 plan to implement their use, and monitor the implementation of the
8 plan.

9 c. The plan for implementing the use of unlicensed assistive
10 personnel pursuant to paragraph (2) of subsection b. of this section
11 shall, at a minimum:

12 (1) require the use and specify the composition of multidisciplinary
13 patient care teams operating under the plan;

14 (2) prescribe materials and protocols for the orientation and
15 training of health care facility staff with respect to implementing the
16 plan;

17 (3) provide for the periodic monitoring and evaluation of the use
18 of unlicensed assistive personnel by the multidisciplinary committee
19 established pursuant to subsection b. of this section; and

20 (4) require in-service training and educational programming for
21 both registered professional nurses and unlicensed assistive personnel
22 which include subject matter relating to the delegation of nursing tasks
23 to unlicensed assistive personnel and the supervision of these
24 personnel by registered professional nurses.

25

26 3. This act shall take effect immediately.

27

28

29

30

31 _____
32 Requires State Board of Nursing to regulate unlicensed assistive
33 personnel and Commissioner of Health and Senior Services to adopt
regulations governing their use by health care facilities.

ASSEMBLY, No. 3105

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED MAY 6, 1999

Sponsored by:

Assemblywoman CHARLOTTE VANDERVALK

District 39 (Bergen)

SYNOPSIS

Requires State Board of Nursing to regulate unlicensed assistive personnel and Commissioner of Health and Senior Services to adopt regulations governing their use by health care facilities.

CURRENT VERSION OF TEXT

As introduced.



A3105 VANDERVALK

2

1 AN ACT concerning unlicensed assistive personnel, amending
2 P.L.1947, c.262, and supplementing Title 26 of the Revised
3 Statutes.

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

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

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

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1 experience in practical nursing; and shall at the time of appointment be
2 actively engaged in practical nursing or work related thereto.

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

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

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1 or approved under this act, and such other information as it shall deem
2 advisable. (12) It shall prescribe standards and curricula for schools of
3 nursing and evaluate and approve courses for affiliation. (13) It shall
4 hear and determine applications for accreditation of schools of
5 professional nursing, conduct investigations before and after
6 accreditation of such schools and institutions with which they are
7 affiliated, and issue, suspend or revoke certificates of accreditation as
8 hereinafter provided. (14) It shall approve schools of practical nursing
9 which shall conform to the standards, curricula, and requirements
10 prescribed by the board, and suspend or revoke approval for violations
11 thereof; provided, that this power shall not extend to schools operated
12 by any board of education in this State. (15) It may consult with the
13 Medical Society of New Jersey and the New Jersey Hospital
14 Association with respect to any matter relating to the administration
15 of this act and shall consult with those associations with respect to
16 standards and curricula and any change thereof for schools of nursing.
17 (16) It shall issue subpoenas for the attendance of witnesses and
18 production of documents at any hearing before the board authorized
19 by this act and any member of the board shall administer an oath or
20 affirmation to persons appearing to give testimony at such hearings.
21 (17) It may conduct any investigations, studies of nursing and nursing
22 education and related matters, and prepare and issue such publications
23 as in the judgment of the board will advance the profession of nursing
24 and its service to the public. (18) It shall perform all other functions
25 which are provided in this act to be performed by it or which in the
26 judgment of the board are necessary or proper for the administration
27 of this act. (19) It shall from time to time prescribe rules and
28 regulations not inconsistent with this act. (20) It shall prescribe
29 standards and curricula for homemaker-home health aide education
30 and training programs which a homemaker-home health aide shall
31 complete in order to work in this State. (21) It shall review
32 applications to provide homemaker-home health aide training
33 programs and shall issue, suspend or revoke program approval. (22)
34 It shall establish and maintain a registry of all individuals who have
35 successfully completed a homemaker-home health aide training and
36 competency evaluation program. (23) It shall prescribe standards and
37 requirements for a competency evaluation program resulting in
38 certification of the homemaker-home health aide, and the renewal,
39 revocation, and suspension of that certification. (24) It shall review
40 applications for homemaker home-health aide certification and shall
41 issue, suspend, revoke, or fail to renew certifications and conduct
42 investigations pursuant to the provisions of P.L.1978, c.73 (C.45:1-14
43 et seq.). (25) It shall require that nursing school curricula include, and
44 shall prescribe standards for, the training of registered professional
45 nurses in the supervision of, and the delegation of nursing tasks to,
46 unlicensed assistive personnel, and shall further prescribe standards

1 establishing the criteria for determining those tasks which registered
2 professional nurses may delegate to unlicensed assistive personnel
3 working under their supervision and the type of supervision required
4 with respect to those personnel. (26) It shall prescribe standards and
5 requirements for unlicensed assistive personnel, including initial
6 education and continuing education and a competency evaluation
7 program, which these personnel shall satisfy in order to work in this
8 State.

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

13 (cf: P.L.1991, c.377, s.3)

14

15 2. (New section) a. The Commissioner of Health and Senior
16 Services, pursuant to the "Administrative Procedure Act," P.L.1968,
17 c.410 (C.52:14B-1 et seq.), shall adopt regulations governing the use
18 of unlicensed assistive personnel in licensed health care facilities, in
19 consultation with at least the following: the Director of the Division
20 of Consumer Affairs in the Department of Law and Public Safety, the
21 New Jersey Hospital Association, the New Jersey Association of
22 Health Care Facilities, the Medical Society of New Jersey, and the
23 New Jersey State Nurses Association.

24 b. The regulations adopted pursuant to subsection a. of this
25 section, shall require, at a minimum, that:

26 (1) unlicensed assistive personnel employed by a health care facility
27 meet the standards and requirements for education and competency
28 evaluation prescribed by the New Jersey Board of Nursing pursuant to
29 paragraph (26) of subsection d. of section 2 of P.L.1947, c.262
30 (C.45:11-24); and

31 (2) a health care facility, prior to implementing the use of
32 unlicensed assistive personnel, establish a multidisciplinary committee,
33 including representation from registered professional nurses,
34 physicians, administrative staff, and unlicensed assistive personnel, to
35 evaluate the need for using these personnel, formulate and adopt a
36 plan to implement their use, and monitor the implementation of the
37 plan.

38 c. The plan for implementing the use of unlicensed assistive
39 personnel pursuant to paragraph (2) of subsection b. of this section
40 shall, at a minimum:

41 (1) require the use and specify the composition of multidisciplinary
42 patient care teams operating under the plan;

43 (2) prescribe materials and protocols for the orientation and
44 training of health care facility staff with respect to implementing the
45 plan;

46 (3) provide for the periodic monitoring and evaluation of the use

1 of unlicensed assistive personnel by the multidisciplinary committee
2 established pursuant to subsection b. of this section; and

3 (4) require in-service training and educational programming for
4 both registered professional nurses and unlicensed assistive personnel
5 which include subject matter relating to the delegation of nursing tasks
6 to unlicensed assistive personnel and the supervision of these
7 personnel by registered professional nurses.

8
9 3. This act shall take effect immediately.

10
11
12 STATEMENT

13
14 This bill requires the New Jersey Board of Nursing in the Division
15 of Consumer Affairs in the Department of Law and Public Safety to
16 establish standards for unlicensed assistive personnel (UAPs).

17 Specifically, the board would require that nursing school curricula
18 include, and prescribe standards for, the training of registered
19 professional nurses (RNs) in the supervision of, and the delegation of
20 nursing tasks to, UAPs. Further, the board would prescribe standards
21 establishing the criteria for determining those tasks which RNs may
22 delegate to UAPs working under their supervision and the type of
23 supervision required with respect to those personnel. The board would
24 also prescribe standards and requirements for UAPs, including initial
25 education and continuing education and a competency evaluation
26 program, which UAPs would have to satisfy in order to work in New
27 Jersey.

28 The bill also requires the Commissioner of Health and Senior
29 Services to adopt regulations governing the use of UAPs in licensed
30 health care facilities, in consultation with at least the following: the
31 Director of the Division of Consumer Affairs in the Department of
32 Law and Public Safety, the New Jersey Hospital Association, the New
33 Jersey Association of Health Care Facilities, the Medical Society of
34 New Jersey, and the New Jersey State Nurses Association.

35 The regulations adopted by the commissioner would require, at a
36 minimum, that:

- 37 • UAPs employed by a health care facility meet the standards and
38 requirements for education and competency evaluation prescribed
39 by the State Board of Nursing pursuant to paragraph (26) of
40 subsection d. of N.J.S.A.45:11-24; and
41 • a health care facility, prior to implementing the use of UAPs,
42 establish a multidisciplinary committee, including representation
43 from RNs, physicians, administrative staff, and UAPs, to evaluate
44 the need for using UAPs, formulate and adopt a plan to implement
45 their use, and monitor the implementation of the plan.

46 The plan for implementing the use of UAPs would, at a minimum:

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1 -- require the use and specify the composition of multidisciplinary
2 patient care teams operating under the plan;
3 -- prescribe materials and protocols for the orientation and training
4 of health care facility staff with respect to implementing the plan;
5 -- provide for the periodic monitoring and evaluation of the use of
6 UAPs by the multidisciplinary committee which formulated the plan;
7 and
8 -- require in-service training and educational programming for both
9 RNs and UAPs which include subject matter relating to the delegation
10 of nursing tasks to UAPs and the supervision of UAPs by RNs.
11 This bill is premised on the assumption that, when used
12 appropriately, UAPs can contribute to the provision of quality patient
13 care by meeting patients' personal care needs and carrying out nursing
14 tasks that do not require the skill and judgment of a RN, and that
15 patient safety and health care quality can be enhanced by the use of
16 UAPs working under the supervision of RNs in accordance with the
17 provisions of this bill.

ASSEMBLY HEALTH COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3105

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 7, 1999

The Assembly Health Committee reports favorably and with committee amendments Assembly Bill No. 3105.

As amended by the committee, this bill requires the New Jersey Board of Nursing in the Division of Consumer Affairs in the Department of Law and Public Safety to establish standards for unlicensed assistive personnel (UAPs).

UAPs are defined in the bill as any unlicensed or uncertified personnel employed by a licensed health care facility that perform nursing tasks which do not require the skill or judgment of a registered professional nurse (RN) and which are assigned to them by, and carried out under the supervision of, an RN.

Specifically, the board would require that nursing school curricula include, and prescribe standards for, the training of RNs in the supervision of, and the delegation of nursing tasks to, UAPs. Further, the board would prescribe standards establishing the criteria for determining those tasks which RNs may delegate to UAPs working under their supervision and the type of supervision required with respect to those personnel. The board would also prescribe standards and requirements for UAPs, including initial education and continuing education and a competency evaluation program, which UAPs would have to satisfy in order to work in New Jersey.

The bill also requires the Commissioner of Health and Senior Services to adopt regulations governing the use of UAPs in licensed health care facilities, in consultation with at least the following: the Director of the Division of Consumer Affairs in the Department of Law and Public Safety, the New Jersey Hospital Association, the New Jersey Association of Health Care Facilities, the Medical Society of New Jersey, and the New Jersey State Nurses Association.

The regulations adopted by the commissioner would require, at a minimum, that:

- UAPs employed by a health care facility meet the standards and requirements for education and competency evaluation prescribed by the State Board of Nursing pursuant to paragraph (26) of subsection d. of N.J.S.A.45:11-24; and
- a health care facility, prior to implementing the use of UAPs,

establish a multidisciplinary committee, including representation from RNs, physicians, administrative staff, and UAPs, to evaluate the need for using UAPs, formulate and adopt a plan to implement their use, and monitor the implementation of the plan.

The plan for implementing the use of UAPs would, at a minimum:

- require the use and specify the composition of multidisciplinary patient care teams operating under the plan;

- prescribe materials and protocols for the orientation and training of health care facility staff with respect to implementing the plan;

- provide for the periodic monitoring and evaluation of the use of UAPs by the multidisciplinary committee which formulated the plan;

and

- require in-service training and educational programming for both RNs and UAPs which include subject matter relating to the delegation of nursing tasks to UAPs and the supervision of UAPs by RNs.

The committee amended the bill to add a definition of UAPs.

This bill is premised on the assumption that, when used appropriately, UAPs can contribute to the provision of quality patient care by meeting patients' personal care needs and carrying out nursing tasks that do not require the skill and judgment of a RN, and that patient safety and health care quality can be enhanced by the use of UAPs working under the supervision of RNs in accordance with the provisions of this bill.

SENATE HEALTH COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 3105

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 6, 1999

The Senate Health Committee reports favorably and with committee amendments Assembly Bill No. 3105 (1R).

As amended, this bill requires the New Jersey Board of Nursing in the Division of Consumer Affairs in the Department of Law and Public Safety to establish standards for unlicensed assistive personnel (UAPs). The bill also authorizes the Board of Nursing to require licensees of the board to meet continuing education requirements as a condition of relicensure.

The bill defines UAPs as any unlicensed or uncertified personnel employed by a licensed health care facility that perform nursing tasks which do not require the skill or judgment of a registered professional nurse and which are assigned to them by, and carried out under the supervision of, a registered professional nurse.

Specifically, the board would require that nursing school curricula include, and prescribe standards for, the training of registered professional nurses (RNs) in the supervision of, and the delegation of nursing tasks to, UAPs. Further, the board would prescribe standards establishing the criteria for determining those tasks which RNs may delegate to UAPs working under their supervision and the type of supervision required with respect to those personnel. The board would also prescribe standards and requirements for UAPs, including initial education and continuing education and a competency evaluation program, which UAPs would have to satisfy in order to work in New Jersey.

The bill also requires the Commissioner of Health and Senior Services to adopt regulations governing the use of UAPs in licensed health care facilities, in consultation with at least the following: the Director of the Division of Consumer Affairs, the New Jersey Hospital Association, the New Jersey Association of Health Care Facilities, the Medical Society of New Jersey, and the New Jersey State Nurses Association.

The regulations adopted by the commissioner would require, at a minimum, that:

- UAPs employed by a health care facility meet the standards and requirements for education and competency evaluation prescribed by the State Board of Nursing; and
- a health care facility, prior to implementing the use of UAPs, establish a multidisciplinary committee, including representation from RNs, physicians, administrative staff, and UAPs, to evaluate the need for using UAPs, formulate and adopt a plan to implement their use, and monitor the implementation of the plan.

The plan for implementing the use of UAPs would, at a minimum:

- require the use and specify the composition of multidisciplinary patient care teams operating under the plan;
 - prescribe materials and protocols for the orientation and training of health care facility staff with respect to implementing the plan;
 - provide for the periodic monitoring and evaluation of the use of UAPs by the multidisciplinary committee which formulated the plan;
- and
- require in-service training and educational programming for both RNs and UAPs which include subject matter relating to the delegation of nursing tasks to UAPs and the supervision of UAPs by RNs.

This bill is premised on the assumption that, when used appropriately, UAPs can contribute to the provision of quality patient care by meeting patients' personal care needs and carrying out nursing tasks that do not require the skill and judgment of a RN, and that patient safety and health care quality can be enhanced by the use of UAPs working under the supervision of RNs in accordance with the provisions of this bill.

The committee amended the bill to authorize the Board of Nursing to require licensees to meet continuing education requirements as a condition of relicensure.