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**NEWSPAPER ARTICLES:**

No

P.L. 2002, CHAPTER 126, *approved December 16, 2002*  
Senate, No. 1396 (*Second Reprint*)

1 AN ACT concerning <sup>2</sup>[employment agencies] certain providers of  
2 home health and personal care services<sup>2</sup> and supplementing  
3 P.L.1989, c.331 (C.34:8-43 et seq.).  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. a. Notwithstanding any other law or regulation to the contrary,  
9 an employment agency required to be licensed pursuant to P.L.1989,  
10 c.331 (C.34:8-43 et seq.)<sup>2</sup>, or any other firm, company, business,  
11 agency or other entity that is not a home health care agency licensed  
12 pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.),<sup>2</sup> which places or  
13 arranges for the placement of personnel to provide health care<sup>1</sup> [,] or<sup>1</sup>  
14 personal care <sup>1</sup>[or companion]<sup>1</sup> services in the personal residence of  
15 a <sup>1</sup>[disabled individual] person with a disability<sup>1</sup> or a senior citizen  
16 age <sup>1</sup>[65] 60<sup>1</sup> or older, regardless of the title by which the provider  
17 of the health care<sup>1</sup> [,] or<sup>1</sup> personal care <sup>1</sup>[or companion]<sup>1</sup> services is  
18 known, shall be considered a Health Care Service Firm pursuant to  
19 N.J.A.C.13:45B-14.1 et seq. and shall be subject to the rules and  
20 regulations governing Health Care Service Firms adopted by the  
21 Division of Consumer Affairs in the Department of Law and Public  
22 Safety.

23 As used in this subsection:

24 "Health care services" means any services rendered for the purpose  
25 of maintaining or restoring an individual's physical or mental health or  
26 any health related services for which a license or certification is  
27 required as a pre-condition to the rendering of such services;

28 "Personal care services" shall include, but not be limited to, bathing,  
29 toileting, transferring, dressing, grooming, and assistance with  
30 ambulation, exercise, or other aspects of personal hygiene.

31 b. An <sup>1</sup>[employment]<sup>1</sup> agency <sup>1</sup>or other entity<sup>1</sup> which places or  
32 arranges for the placement of personnel in the personal residence of a  
33 <sup>1</sup>[disabled individual] person with a disability<sup>1</sup> or a senior citizen age  
34 <sup>1</sup>[65] 60<sup>1</sup> years or older for the exclusive purpose of providing  
35 <sup>1</sup>companion,<sup>1</sup> housekeeping, meal preparation, shopping, laundry,  
36 cleaning or transportation services shall not be considered a Health  
37 Care Service Firm pursuant to this act.

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Senate SHH committee amendments adopted May 30, 2002.

<sup>2</sup> Assembly AHH committee amendments adopted October 3, 2002.

1       2. The Director of the Division of Consumer Affairs in the  
2 Department of Law and Public Safety shall, pursuant to the  
3 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
4 seq.), adopt rules and regulations necessary to effectuate the purposes  
5 of this act.

6

7       3. This act shall take effect immediately.

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11

12 Regulates certain entities as Health Care Service Firms.

**SENATE, No. 1396**

**STATE OF NEW JERSEY**  
**210th LEGISLATURE**

INTRODUCED MARCH 26, 2002

**Sponsored by:**

**Senator ROBERT W. SINGER**

**District 30 (Burlington, Mercer, Monmouth and Ocean)**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**SYNOPSIS**

Considers certain employment agencies as Health Care Service Firms.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/10/2002)**

1 AN ACT concerning employment agencies and supplementing  
2 P.L.1989, c.331 (C.34:8-43 et seq.).

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. a. Notwithstanding any other law or regulation to the contrary,  
8 an employment agency required to be licensed pursuant to P.L.1989,  
9 c.331 (C.34:8-43 et seq.) which places or arranges for the placement  
10 of personnel to provide health care, personal care or companion  
11 services in the personal residence of a disabled individual or a senior  
12 citizen age 65 or older, regardless of the title by which the provider of  
13 the health care, personal care or companion services is known, shall be  
14 considered a Health Care Service Firm pursuant to N.J.A.C.13:45B-  
15 14.1 et seq. and shall be subject to the rules and regulations governing  
16 Health Care Service Firms adopted by the Division of Consumer  
17 Affairs in the Department of Law and Public Safety.

18 As used in this subsection:

19 "Health care services" means any services rendered for the purpose  
20 of maintaining or restoring an individual's physical or mental health or  
21 any health related services for which a license or certification is  
22 required as a pre-condition to the rendering of such services;

23 "Personal care services" shall include, but not be limited to, bathing,  
24 toileting, transferring, dressing, grooming, and assistance with  
25 ambulation, exercise, or other aspects of personal hygiene.

26 b. An employment agency which places or arranges for the  
27 placement of personnel in the personal residence of a disabled  
28 individual or a senior citizen age 65 years or older for the exclusive  
29 purpose of providing housekeeping, meal preparation, shopping,  
30 laundry, cleaning or transportation services shall not be considered a  
31 Health Care Service Firm pursuant to this act.

32  
33 2. The Director of the Division of Consumer Affairs in the  
34 Department of Law and Public Safety shall, pursuant to the  
35 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
36 seq.), adopt rules and regulations necessary to effectuate the purposes  
37 of this act.

38  
39 3. This act shall take effect immediately.

40  
41

42 STATEMENT

43  
44 This bill provides that, notwithstanding any other law or regulation  
45 to the contrary, a State licensed employment agency which places or  
46 arranges for the placement of personnel to provide health care,

1 personal care or companion services in the personal residence of a  
2 disabled individual or a senior citizen age 65 or older, regardless of the  
3 title by which the provider of the health care, personal care or  
4 companion services is known, shall be considered a Health Care  
5 Service Firm (HCSF) and shall be subject to the rules and regulations  
6 governing Health Care Service Firms.

7 This bill defines "health care services" as any services rendered for  
8 the purpose of maintaining or restoring an individual's physical or  
9 mental health or any health related services for which a license or  
10 certification is required as a pre-condition to the rendering of such  
11 services. The bill further defines "personal care services" as  
12 including, but not be being limited to, such services as bathing,  
13 toileting, transferring, dressing, grooming, and assistance with  
14 ambulation, exercise, or other aspects of personal hygiene.

15 The purpose of this bill is to close an apparent loophole in the  
16 regulations regarding personnel service firms whereby it has been  
17 reported that certain employment agencies are sending individuals into  
18 the homes of the disabled or elderly to provide health care services  
19 without registering as a HCSF or following the additional regulatory  
20 obligations imposed upon a HCSF. By calling these individuals by  
21 such other names as companions, friends, aides or consultants, these  
22 employment agencies have been able to escape being subsumed under  
23 the HCSF registration requirement and regulations.

24 As recently as February of 1999, an elderly man was murdered by  
25 one such individual. That case has highlighted the fact that certain  
26 employment agencies are intentionally misconstruing or circumventing  
27 the regulations and sending unqualified and improperly trained or  
28 supervised individuals into the personal residences of vulnerable  
29 citizens of this State. By closing this loophole, this bill would protect  
30 these citizens and return a level of confidence to the home health care  
31 service industry which has been badly undermined by these certain  
32 employment agencies.

# ASSEMBLY HEALTH AND HUMAN SERVICES COMMITTEE

## STATEMENT TO

[First Reprint]

## **SENATE, No. 1396**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: OCTOBER 3, 2002

The Assembly Health and Human Services Committee reports favorably and with committee amendments Senate Bill No. 1396 (1R).

As amended by the committee, this bill proposes to regulate, as a Health Care Service Firm, certain entities that send individuals into the homes of persons with disabilities or the elderly to provide health care services.

Specifically, the bill provides that, notwithstanding any other law or regulation to the contrary, an employment agency required to be licensed pursuant to N.J.S.A.34:8-43 et seq., or any other firm, company, business, agency or other entity that is not a licensed home health care agency, which places or arranges for the placement of personnel to provide health care or personal care services in the personal residence of a person with disabilities or a senior citizen age 60 or older, regardless of the title by which the provider of the health care or personal care services is known, is to be considered a Health Care Service Firm pursuant to N.J.A.C.13:45B-14.1 et seq., and be subject to the rules and regulations governing those entities.

The bill defines:

- C "health care services" to mean any services rendered for the purpose of maintaining or restoring an individual's physical or mental health or any health-related services for which a license or certification is required as a pre-condition to the rendering of such services; and
- C "personal care services" to include, but not be limited to, such services as bathing, toileting, transferring, dressing, grooming, and assistance with ambulation, exercise or other aspects of personal hygiene.

The bill exempts, from its requirements, any agency or other entity that places or arranges for the placement of personnel for the exclusive purpose of providing companion, housekeeping, meal preparation, shopping, laundry, cleaning or transportation services to persons with disabilities or senior citizens who are 60 years or older.



As reported by the committee, this bill is identical to Assembly Bill Nos. 2751 and 2181 ACS (Watson Coleman/Malone/Cottrell), which the committee also reported on this date.

COMMITTEE AMENDMENTS:

The committee amendments to the bill expand its scope to provide that, in addition to a State-licensed employment agency, any other firm, company, business, agency or other entity that is not a licensed home health care agency, which places or arranges for the placement of personnel to provide health care or personal care services in the personal residence of a person with disabilities or a senior citizen age 60 or older, is to be regulated as a Health Care Service Firm by the Division of Consumer Affairs.

SENATE HEALTH, HUMAN SERVICES AND SENIOR  
CITIZENS COMMITTEE

STATEMENT TO

**SENATE, No. 1396**

with committee amendments

**STATE OF NEW JERSEY**

DATED: MAY 30, 2002

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Senate Bill No. 1396.

As amended by committee, this bill provides that, notwithstanding any other law or regulation to the contrary, a State-licensed employment agency which places or arranges for the placement of personnel to provide health care or personal care services in the personal residence of a person with disabilities or a senior citizen age 60 or older, regardless of the title by which the provider of the health care or personal care services is known, shall be considered a Health Care Service Firm (HCSF) and shall be subject to the rules and regulations governing HCSFs.

This bill defines "health care services" as any services rendered for the purpose of maintaining or restoring an individual's physical or mental health or any health-related services for which a license or certification is required as a pre-condition to the rendering of such services. The bill further defines "personal care services" as including, but not be being limited to, such services as bathing, toileting, transferring, dressing, grooming, and assistance with ambulation, exercise or other aspects of personal hygiene.

The bill exempts agencies and other entities that place or arrange for the placement of personnel for the exclusive purpose of providing companion, housekeeping, meal preparation, shopping, laundry, cleaning or transportation services to persons with disabilities or senior citizens from the requirements of this bill.

The purpose of this bill is to close an apparent loophole in the regulations regarding personnel service firms whereby it has been reported that certain employment agencies are sending individuals into the homes of persons with disabilities or the elderly to provide health care services without registering as a HCSF or following the additional regulatory obligations imposed upon a HCSF. By calling these individuals by such other names as companions, friends, aides or consultants, these employment agencies have been able to escape being

subsumed under the HCSF registration requirement and regulations. By closing this loophole, this bill would protect these citizens and return a level of confidence to the home health care service industry which has been badly undermined by these certain employment agencies.

The committee amended the bill to delete references to companion services and to limit the requirements of the bill to employment agencies that place or arrange for the placement of personnel to provide health care or personal care services. Other amendments conform references to persons with disabilities and senior citizens to the recently revised definitions for these terms in the consumer fraud law (N.J.S.A.56:8-14.2).

This bill is similar to Assembly Bill No. 2181 (Malone/Cottrell), which is pending before the Assembly Health and Human Services Committee.

**ASSEMBLY, No. 2751**

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**STATE OF NEW JERSEY**  
**210th LEGISLATURE**

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INTRODUCED SEPTEMBER 19, 2002

**Sponsored by:**

**Assemblywoman BONNIE WATSON COLEMAN**

**District 15 (Mercer)**

**SYNOPSIS**

Considers certain employment agencies as Health Care Service Firms.

**CURRENT VERSION OF TEXT**

As introduced.



A2751 WATSON COLEMAN

2

1 AN ACT concerning employment agencies and supplementing  
2 P.L.1989, c.331 (C.34:8-43 et seq.).

3

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

6

7 1. a. Notwithstanding any other law or regulation to the contrary,  
8 an employment agency required to be licensed pursuant to P.L.1989,  
9 c.331 (C.34:8-43 et seq.) which places or arranges for the placement  
10 of personnel to provide health care or personal care services in the  
11 personal residence of a person with a disability or a senior citizen age  
12 60 or older, regardless of the title by which the provider of the health  
13 care or personal care services is known, shall be considered a Health  
14 Care Service Firm pursuant to N.J.A.C.13:45B-14.1 et seq. and shall  
15 be subject to the rules and regulations governing Health Care Service  
16 Firms adopted by the Division of Consumer Affairs in the Department  
17 of Law and Public Safety.

18 As used in this subsection:

19 "Health care services" means any services rendered for the purpose  
20 of maintaining or restoring an individual's physical or mental health or  
21 any health related services for which a license or certification is  
22 required as a pre-condition to the rendering of such services;

23 "Personal care services" shall include, but not be limited to, bathing,  
24 toileting, transferring, dressing, grooming, and assistance with  
25 ambulation, exercise, or other aspects of personal hygiene.

26 b. An agency or other entity which places or arranges for the  
27 placement of personnel in the personal residence of a person with a  
28 disability or a senior citizen age 60 years or older for the exclusive  
29 purpose of providing companion, housekeeping, meal preparation,  
30 shopping, laundry, cleaning or transportation services shall not be  
31 considered a Health Care Service Firm pursuant to this act.

32

33 2. The Director of the Division of Consumer Affairs in the  
34 Department of Law and Public Safety shall, pursuant to the  
35 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
36 seq.), adopt rules and regulations necessary to effectuate the purposes  
37 of this act.

38

39 3. This act shall take effect immediately.

40

41

42

STATEMENT

43

44 This bill provides that, notwithstanding any other law or regulation  
45 to the contrary, a State-licensed employment agency which places or  
46 arranges for the placement of personnel to provide health care or

1 personal care services in the personal residence of a person with  
2 disabilities or a senior citizen age 60 or older, regardless of the title by  
3 which the provider of the health care or personal care services is  
4 known, shall be considered a Health Care Service Firm (HCSF) and  
5 shall be subject to the rules and regulations governing HCSFs.

6 This bill defines "health care services" as any services rendered for  
7 the purpose of maintaining or restoring an individual's physical or  
8 mental health or any health-related services for which a license or  
9 certification is required as a pre-condition to the rendering of such  
10 services. The bill further defines "personal care services" as  
11 including, but not be being limited to, such services as bathing,  
12 toileting, transferring, dressing, grooming, and assistance with  
13 ambulation, exercise or other aspects of personal hygiene.

14 The bill exempts agencies and other entities that place or arrange  
15 for the placement of personnel for the exclusive purpose of providing  
16 companion, housekeeping, meal preparation, shopping, laundry,  
17 cleaning or transportation services to persons with disabilities or  
18 senior citizens from the requirements of this bill.

19 The purpose of this bill is to close an apparent loophole in the  
20 regulations regarding personnel service firms whereby it has been  
21 reported that certain employment agencies are sending individuals into  
22 the homes of persons with disabilities or the elderly to provide health  
23 care services without registering as a HCSF or following the additional  
24 regulatory obligations imposed upon a HCSF. By calling these  
25 individuals by such other names as companions, friends, aides or  
26 consultants, these employment agencies have been able to escape being  
27 subsumed under the HCSF registration requirement and regulations.  
28 By closing this loophole, this bill would protect these citizens and  
29 return a level of confidence to the home health care service industry  
30 which has been badly undermined by these certain employment  
31 agencies.

# ASSEMBLY, No. 2181

## STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED MARCH 26, 2002

**Sponsored by:**

**Assemblyman JOSEPH R. MALONE, III**

**District 30 (Burlington, Mercer, Monmouth and Ocean)**

**Assemblyman MELVIN COTTRELL**

**District 30 (Burlington, Mercer, Monmouth and Ocean)**

**SYNOPSIS**

Considers certain employment agencies as Health Care Service Firms.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning employment agencies and supplementing  
2 P.L.1989, c.331 (C.34:8-43 et seq.).

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. a. Notwithstanding any other law or regulation to the contrary,  
8 an employment agency required to be licensed pursuant to P.L.1989,  
9 c.331 (C.34:8-43 et seq.) which places or arranges for the placement  
10 of personnel to provide health care, personal care or companion  
11 services in the personal residence of a disabled individual or a senior  
12 citizen age 65 or older, regardless of the title by which the provider of  
13 the health care, personal care or companion services is known, shall be  
14 considered a Health Care Service Firm pursuant to N.J.A.C.13:45B-  
15 14.1 et seq. and shall be subject to the rules and regulations governing  
16 Health Care Service Firms adopted by the Division of Consumer  
17 Affairs in the Department of Law and Public Safety.

18 As used in this subsection:

19 "Health care services" means any services rendered for the purpose  
20 of maintaining or restoring an individual's physical or mental health or  
21 any health related services for which a license or certification is  
22 required as a pre-condition to the rendering of such services;

23 "Personal care services" shall include, but not be limited to, bathing,  
24 toileting, transferring, dressing, grooming, and assistance with  
25 ambulation, exercise, or other aspects of personal hygiene.

26 b. An employment agency which places or arranges for the  
27 placement of personnel in the personal residence of a disabled  
28 individual or a senior citizen age 65 years or older for the exclusive  
29 purpose of providing housekeeping, meal preparation, shopping,  
30 laundry, cleaning or transportation services shall not be considered a  
31 Health Care Service Firm pursuant to this act.

32  
33 2. The Director of the Division of Consumer Affairs in the  
34 Department of Law and Public Safety shall, pursuant to the  
35 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
36 seq.), adopt rules and regulations necessary to effectuate the purposes  
37 of this act.

38  
39 3. This act shall take effect immediately.

40  
41

42 STATEMENT

43  
44 This bill provides that, notwithstanding any other law or regulation  
45 to the contrary, a State licensed employment agency which places or  
46 arranges for the placement of personnel to provide health care,



1 personal care or companion services in the personal residence of a  
2 disabled individual or a senior citizen age 65 or older, regardless of the  
3 title by which the provider of the health care, personal care or  
4 companion services is known, shall be considered a Health Care  
5 Service Firm (HCSF) and shall be subject to the rules and regulations  
6 governing Health Care Service Firms.

7 This bill defines "health care services" as any services rendered for  
8 the purpose of maintaining or restoring an individual's physical or  
9 mental health or any health related services for which a license or  
10 certification is required as a pre-condition to the rendering of such  
11 services. The bill further defines "personal care services" as  
12 including, but not be being limited to, such services as bathing,  
13 toileting, transferring, dressing, grooming, and assistance with  
14 ambulation, exercise, or other aspects of personal hygiene.

15 The purpose of this bill is to close an apparent loophole in the  
16 regulations regarding personnel service firms whereby it has been  
17 reported that certain employment agencies are sending individuals into  
18 the homes of the disabled or elderly to provide health care services  
19 without registering as a HCSF or following the additional regulatory  
20 obligations imposed upon a HCSF. By calling these individuals by  
21 such other names as companions, friends, aides or consultants, these  
22 employment agencies have been able to escape being subsumed under  
23 the HCSF registration requirement and regulations.

24 As recently as February of 1999, an elderly man was murdered by  
25 one such individual. That case has highlighted the fact that certain  
26 employment agencies are intentionally misconstruing or circumventing  
27 the regulations and sending unqualified and improperly trained or  
28 supervised individuals into the personal residences of vulnerable  
29 citizens of this State. By closing this loophole, this bill would protect  
30 these citizens and return a level of confidence to the home health care  
31 service industry which has been badly undermined by these certain  
32 employment agencies.

# ASSEMBLY HEALTH AND HUMAN SERVICES COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, Nos. 2751 and 2181

# STATE OF NEW JERSEY

DATED: OCTOBER 3, 2002

The Assembly Health and Human Services Committee reports favorably an Assembly Committee Substitute for Assembly Bill Nos. 2751 and 2181.

This committee substitute proposes to regulate, as a Health Care Service Firm, certain entities that send individuals into the homes of persons with disabilities or the elderly to provide health care services.

Specifically, the substitute provides that, notwithstanding any other law or regulation to the contrary, an employment agency required to be licensed pursuant to N.J.S.A.34:8-43 et seq., or any other firm, company, business, agency or other entity that is not a licensed home health care agency, which places or arranges for the placement of personnel to provide health care or personal care services in the personal residence of a person with disabilities or a senior citizen age 60 or older, regardless of the title by which the provider of the health care or personal care services is known, is to be considered a Health Care Service Firm pursuant to N.J.A.C.13:45B-14.1 et seq., and be subject to the rules and regulations governing those entities.

The substitute defines:

- C "health care services" to mean any services rendered for the purpose of maintaining or restoring an individual's physical or mental health or any health-related services for which a license or certification is required as a pre-condition to the rendering of such services; and
- C "personal care services" to include, but not be limited to, such services as bathing, toileting, transferring, dressing, grooming, and assistance with ambulation, exercise or other aspects of personal hygiene.

The substitute exempts, from its requirements, any agency or other entity that places or arranges for the placement of personnel for the exclusive purpose of providing companion, housekeeping, meal preparation, shopping, laundry, cleaning or transportation services to persons with disabilities or senior citizens who are 60 years or older.

As reported by the committee, this substitute is identical to Senate Bill No. 1396 (1R) ACA (Singer/Vitale), which the committee also reported on this date.