

45:11-23

**LEGISLATIVE HISTORY CHECKLIST**  
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**NJSA:** 45:11-23

(Board of  
Nursing--offer  
competency  
evaluations in  
spanish)

**LAWS OF:** 1990

**CHAPTER:** 125

**Bill No:** A2776

**Sponsor(s):** Menedez

**Date Introduced:** Pre-filed

**Committee: Assembly:** Health & Human Services

**Senate:** Institutions, Health & Welfare

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

**Date of Passage: Assembly:** April 23, 1990

**Senate:** October 11, 1990

**Date of Approval:** December 17, 1990

**Following statements are attached if available:**

**Sponsor statement:** Yes

**Committee Statement: Assembly:** Yes

**Senate:** Yes

**Fiscal Note:** No

**Veto Message:** No

**Message on signing:** No

**Following were printed:**

**Reports:** No

**Hearings:** No

**KBG/SLJ**

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[THIRD REPRINT]  
ASSEMBLY, No. 2776  
STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Assemblymen MENENDEZ and KENNY

1 AN ACT concerning homemaker-home health aides <sup>1</sup>and  
2 supplementing P.L.1947, c.262 (C.45:11-23 et seq.)<sup>1</sup>.  
3

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

- 6 1. The <sup>1</sup>[Department of Health] board<sup>1</sup> shall provide that a  
7 person may satisfy the examination requirement for certification  
8 as a homemaker-home health aide by passing<sup>2</sup>[:  
9 a. A written examination in English;  
10 b. A written examination in Spanish; or  
11 c. An oral examination in English] <sup>3</sup>[a] an oral<sup>3</sup> competency  
12 evaluation in English or Spanish<sup>2</sup>.  
13 2. This act shall take effect immediately.  
14  
15

16 HEALTH

17  
18 Requires Board of Nursing to offer competency evaluations for  
19 homemaker-home health aides in English and Spanish.

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:

<sup>1</sup> Assembly AHH committee amendments adopted March 19, 1990.

<sup>2</sup> Assembly floor amendments adopted April 2, 1990.

<sup>3</sup> Senate SIH committee amendments adopted May 17, 1990.

ASSEMBLY, No. 2776

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Assemblymen MENENDEZ and KENNY

1 AN ACT concerning homemaker-home health aides.

2

3 BE IT ENACTED by the Senate and General Assembly of the

4 State of New Jersey:

5 1. The Department of Health shall provide that a person may  
6 satisfy the examination requirement for certification as a  
7 homemaker-home health aide by passing:

- 8 a. A written examination in English;  
9 b. A written examination in Spanish; or  
10 c. An oral examination in English.  
11 2. This act shall take effect immediately.

12

13

STATEMENT

14

15 This bill provides that persons seeking certification by the  
16 Department of Health as homemaker-home health aides shall be  
17 permitted to satisfy the examination requirement by passing a  
18 written examination in either English or Spanish or by passing an  
19 oral examination in English.

20 The department recently implemented the requirement of a  
21 written examination in English for certification of  
22 homemaker-home health aides. Prior to the implementation of  
23 this requirement, 1,000 to 2,000 elderly and disabled persons who  
24 were in need of home care were not getting the service or were  
25 experiencing delays because the agencies have 24% fewer aides  
26 than they need. It is anticipated that this requirement will  
27 further exacerbate this serious shortage.

28 The written English examination may unfairly eliminate  
29 competent, experienced homemaker-home health aides. Many of  
30 the homemaker-home health aides are not high school graduates  
31 and have poor reading and writing skills. A written examination  
32 might not allow them to demonstrate their clinical skill and  
33 knowledge in the field of home health care. In addition, a number  
34 of the aides speak Spanish as a first language. By offering the  
35 examination orally and in Spanish the potential for intensifying an  
36 already serious shortage may be avoided.

37

38

HEALTH

39

40 Requires DOH to offer certification examinations for  
41 homemaker-home health aides orally and in Spanish.

ASSEMBLY HEALTH AND HUMAN SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2776

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: MARCH 19, 1990

The Assembly Health and Human Services Committee favorably reports Assembly Bill No. 2776 with committee amendments.

As amended by the committee, this bill provides that persons seeking certification as homemaker-home health aides by the New Jersey Board of Nursing in the Division of Consumer Affairs of the Department of Law and Public Safety shall be permitted to satisfy the examination requirement by passing a written examination in either English or Spanish or by passing an oral examination in English.

A written English examination may unfairly eliminate competent, experienced homemaker-home health aides, many of whom are not high school graduates and have poor reading and writing skills, and a number of whom speak Spanish as a first language, by not allowing these individuals to demonstrate their clinical skill and knowledge in home health care. As a consequence, a written English examination requirement for certification may intensify an already serious shortage of homemaker-home health aides to serve elderly and disabled persons.

The committee amended the bill to reflect the provisions of P.L.1989, c.98, enacted on June 19, 1989 (Assembly Bill No. 4014 (1R) of 1988 (Haytaian/Collins)), which provides for the certification of homemaker-home health aides by the New Jersey Board of Nursing. These include homemaker-home health aides employed by licensed home health agencies, nonprofit homemaker-home health aide agencies, and employment agencies and temporary help services firms regulated by the Attorney General. Previously, the Department of Health certified homemaker-home health aides employed by licensed home health agencies, nonprofit homemaker-home health aide agencies and some health care staffing services which were accredited to provide Medicare and Medicaid services.

The committee amendment deletes the reference to the Department of Health in the original bill and substitutes the Board of Nursing.

This bill was pre-filed for introduction in the 1990-91 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE INSTITUTIONS, HEALTH AND WELFARE COMMITTEE

STATEMENT TO

[SECOND REPRINT]

ASSEMBLY, No. 2776

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 17, 1990

The Senate Institutions, Health and Welfare Committee favorably reports Assembly Bill No. 2776 (2R) with committee amendments.

As amended by committee, this bill provides that persons seeking certification as homemaker-home health aides by the New Jersey Board of Nursing in the Division of Consumer Affairs of the Department of Law and Public Safety shall be permitted to satisfy the examination requirement by passing an oral competency evaluation in either English or Spanish.

Homemaker-home health aides include persons employed by licensed home health agencies, nonprofit homemaker-home health aide agencies, and employment agencies and temporary help services firms regulated by the Attorney General.

Prior to the enactment of P.L.1989, c.98, the Department of Health certified homemaker-home health aides employed by licensed home health agencies, nonprofit homemaker-home health aide agencies and some health care staffing services which were accredited to provide Medicare and Medicaid services. The 1989 law transferred the certification requirements to the Board of Nursing.

The committee amended the bill at the sponsor's request to specify that the required competency examination shall be an oral examination.