

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 2825

STATE OF NEW JERSEY

DATED: JUNE 23, 2022

The Senate Health, Human Services and Senior Citizens Committee reports favorably Senate Bill No. 2825.

This bill implements certain measures to support nurses and the nursing workforce, and transfers oversight over certified nurse aides (CNAs) from the Department of Health (DOH) to the New Jersey Board of Nursing, effective on the first day of the 19th month next following the enactment of this bill.

Specifically, the bill establishes requirements for the New Jersey Collaborating Center for Nursing (NJCCN) to develop new graduate nursing residency programs; increases State funding for the NJCCN; requires hospitals to establish Nurse Workplace Environment and Staffing Councils; establishes a Nursing School Expansion Grant Program; requires the New Jersey Nursing Emotional Well-Being Institute (NJ-NEW) to establish a program of services and a peer support helpline to promote the mental health and emotional well-being of nurses and their families; establishes annual survey requirements for nurses, homemaker-home health aides (HHAs) and CNAs, as well as for schools that offer nurse training programs and HHA and CNA training programs; and establishes a gross income tax credit for preceptors of certain nursing students.

Graduate Nursing Residency Programs

This bill establishes a program through which facilities for acute care, long-term care, public health, ambulatory care, home care and hospice providers, and other qualifying facilities or providers, may apply to receive financial, material and technical support from the New Jersey Collaborating Center for Nursing (“NJCCN”) to implement a residency program for licensed practical nurses and registered professional nurses, or one of these professions. To manage the operations of the program, the bill appropriates \$500,000 to NJCCN.

The NJCCN is to appoint an advisory committee of stakeholders for consultation to effectuate the purposes of the bill. Among the stakeholders to be appointed are two NJCCN representatives; one representative of the New Jersey Board of Nursing who is either a licensed practical nurse or a registered professional nurse; one licensed

practical nurse or registered professional nurse representing a unionized facility; representatives of various health care facility and provider associations; and two representatives of different academic nursing programs. The bill grants authority to the NJCCN to adjust membership of the advisory committee upon periodic review of the needs of residency programs for licensed practical nurses and registered professional nurses.

The NJCCN is to consult with the advisory committee to 1) establish and update, as necessary, requirements for a residency program and 2) establish criteria for eligibility of facilities and providers to participate in the program created in accordance with the bill. Requirements for a residency program are to include, at a minimum: 1) a 12-month timeline for a residency; 2) a full-time schedule for residents; 3) support for residents by a preceptor or mentor; and 4) collection of data by the facility or provider to send to the NJCCN regarding the number of individuals who completed a residency program with the facility or provider and remained at the facility or with the provider after residency completion for full-time employment.

To participate in the NJCCN program, facilities and providers are to file an application that includes information on 1) the number of spots to be offered in the facility or provider's residency program; 2) the type of facility or provider seeking approval; and 3) whether the facility or provider's residency program is newly established or being updated. Approval of an application will be made on a first-come, first-serve basis, with priority given to long-term care facilities and home care providers. Upon approval of an application, the New Jersey Board of Nursing will provide funding to the NJCCN to offer the financial, material and technical support to the approved facility or provider, in an amount determined based on various criteria, including, but not limited to, the information submitted in the application on the number of spots in a residency program, the type of facility, and if the residency program is new or being updated. The bill directs that at no time is the New Jersey Board of Nursing to allocate an amount exceeding \$4 million annually to the NJCCN for the financial, material and technical support to facilities and providers participating in the program created in the bill.

Lastly, a biannual report currently required of the NJCCN to submit to the Governor and Legislature is to now include various data on the residency programs established for licensed practical nurses and registered professional nurses.

New Jersey Collaborating Center for Nursing Funding

Under current law, five percent of the initial and renewal licensing fees charged by the charged by the New Jersey Board of Nursing for professional and practical nurses is dedicated to funding, and annually

appropriated to, the NJCCN. The bill revises this to require that the NJCCN annually receive five percent of initial and renewal licensing fees, or \$515,000, whichever amount is greater.

Nurse Workplace Environment and Staffing Council Program

The bill requires the Department of Health to require each hospital in this State, as a condition of licensure, to establish a Nurse Workplace Environment and Staffing Council, either by establishing a new council or assigning the functions of the council to a similar existing entity within the hospital.

Each council will serve the purpose of:

- 1) providing nurses with representation on matters concerning the establishment of healthy work environments and human resource allocation;
- 2) creating a forum of participatory leadership; and
- 3) supporting the equal participation of nurses and hospital management in hospital decisions affecting nurses.

The bill requires that at least 51 percent of the members of each council will be registered nurses that spend at least 50 percent of work time in direct patient care. The selection of the registered nurses will be according to the collective bargaining agreement, if there is one in effect at the hospital. If there is no applicable collective bargaining agreement, the members of the council who are registered nurses will be selected by their peers.

Each council is to include a sufficient number of members to provide adequate representation of all the nurses working in the hospital. Each council will have a Chief Nursing Officer and a direct care nurse who will serve as the co-chairs of the council. The members of the council who are hospital administrative staff will be appointed by each council's Chief Nursing Officer.

Participation in the council by a hospital employee will be on scheduled work time and compensated at the appropriate rate of pay. Council members will be relieved of all other work duties during meetings of the council. Each council member will be required to complete the curriculum provided by the Organization of Nurse Leaders of New Jersey Nursing Workplace Environment Commission program or a similar process defined in a collective bargaining agreement, if one is in place.

Each council will develop an annual plan concerning nurse staffing and the creation of a positive work environment for nurses within the hospital. The plan will be based on the needs of patients and be used as a primary component of the staffing budget. Each council will provide the annual plan to the Chief Nursing Officer for budget planning.

The bill specifies that the plan will not diminish other standards contained in State or federal law and rules, or the terms of an applicable collective bargaining agreement, if any, between the

hospital and a representative of the nursing staff. The plan is to additionally provide for exemptions for some or all requirements of the plan during a state of emergency if the hospital is requested or expected to provide an exceptional level of emergency or other medical services.

The Department of Health will be responsible for ensuring that each council is in compliance with the requirements of the bill and will review the council plans as necessary.

Nursing Education Program Grants

The bill establishes the Nursing School Expansion Grant Program, which will be administered by the New Jersey Economic Development Authority (EDA). Under the bill, the program will provide grants to eligible nursing education programs in the State to increase their capacity and improve the supply of the nursing workforce. The bill also appropriates \$25 million from the General Fund to the EDA for the bill's purposes.

Under the bill, an eligible nursing education program may submit an application for grant funding through the program to the Chief Executive Officer of the EDA. An application is required to include information and data, in such form and in such manner as is required by the Chief Executive Officer, on:

- 1) the enrollment and graduation rates for the three academic years preceding the date of the application;
- 2) the projected plan to increase enrollment and graduation targets;
- 3) the demographic profile of current students, faculty, and staff and specific plans to increase the diversity of the nursing workforce;
- 4) any plans for faculty expansions in order to meet the needs of an increased student body;
- 5) any partnerships, connections, or pathways between licensed practical nursing programs, diploma or certificate programs, associate's degree programs, baccalaureate degree programs, and graduate level programs in nursing and nursing education;
- 6) student pass rates for examinations administered by the National Council of State Boards of Nursing; and
- 7) such other information as the Chief Executive Officer may require.

The bill directs the Chief Executive Officer, in consultation with the NJCCN, to develop criteria for the evaluation of applications for grants. Based upon the criteria developed, and within the limit of available appropriations, the Chief Executive Officer will award grants to eligible nursing education programs in such amounts as the officer determines.

The bill directs the EDA to issue grants in the amount of \$24,500,000 and provides that no more than \$500,000 may be expended by the EDA for the administrative costs of the program.

Nurse Emotional Well-Being and Mental Health Support

The bill requires the New Jersey Nursing Emotional Well-Being Institute (NJ-NEW) in the NJCCN to establish a program of services designed to promote the mental health and emotional well-being of nurses, as well as to provide a nurse-to-nurse peer support helpline.

Specifically, NJ-NEW will be required to establish a program of services designed to promote the mental health and well-being of nurses licensed in New Jersey and their families and prevent the psychological and physical sequelae of stress. At a minimum, the program will:

- 1) encourage all health care facilities in the State that employ nurses to access the NJ-NEW Schwartz Rounds program;
- 2) work to make virtual Schwartz rounds available to all nurses in the State on at least a monthly basis;
- 3) coordinate with nursing associations, mental health associations, and community organizations to facilitate a Statewide NJ-NEW well-being hub, which will comprise learning collaboratives that offer strategies to prevent work-related stress from causing physical and emotional symptoms, provide educational resources, and provide consultation services for health care organizations in New Jersey to promote emotional well-being for nurses and their families;
- 4) provide stress first aid training or establish partnerships with stress first aid training providers to support health care organizations in promoting emotional well-being and resiliency for nurses and their families;
- 5) establish an online repository of Statewide emotional well-being and mental health resources and referrals for nurses and their families; and
- 6) establish any other evidence-based initiatives that meet the ongoing emotional well-being and mental health needs of nurses and their families.

The bill additionally requires NJ-NEW and the University Behavioral HealthCare of Rutgers, the State University of New Jersey, or another entity, to provide a toll-free nurse-to-nurse peer support helpline, or a similar helpline. The helpline is to be accessible 24 hours a day, seven days per week, and respond to calls from nurses and their family members. The staff of the helpline will provide counselling and support to callers, seek to identify the nurses and their family members who should be referred for further support and counseling services, and provide informational resources. The helpline is to partner with the Statewide NJ-NEW well-being hub established under the bill to provide callers with resources and skill sets to prevent situations that cause stress and the psychological and physical sequelae of stress.

The operators of the helpline are to be trained by University Behavioral Healthcare of Rutgers, the State University of New Jersey

and, to the greatest extent possible, be current or former nurses who are:

- 1) familiar with post-traumatic stress disorder and the emotional and psychological tensions, depressions, and anxieties unique to nurses and their family members; or
- 2) trained to provide counseling services involving marriage and family life, substance abuse, personal stress management, and other emotional or psychological disorders or conditions which may be likely to adversely affect the personal and profession-related well-being of nurses and their family members.

NJ-NEW and University Behavioral HealthCare of Rutgers, the State University of New Jersey, or another entity providing the helpline, are to provide for the confidentiality of the names of the callers, the information discussed, and any referrals for further peer support or counseling; provided, however, that NJ-NEW and Rutgers, the State University of New Jersey, or another entity providing the helpline, may establish guidelines providing for the tracking of any person who exhibits a severe emotional or psychological disorder or condition which the operator handling the call reasonably believes might result in harm to the nurse, family member, or any other person.

University Behavioral HealthCare of Rutgers, the State University of New Jersey, or another entity providing the helpline, will maintain a list of credentialed resources and behavioral health care providers throughout the State, and provide case management services to ensure that nurses and their family members receive ongoing counseling and a continuum of care in New Jersey. The continuum of services will be required to utilize applicable State and federal guidelines while providing ongoing peer support.

The bill appropriates from the General Fund to NJ-NEW the sum of \$1,200,000 for the purpose of implementing the provisions of the bill. Of this amount, NJ-NEW will be required to use \$300,000 to support the nurse-to-nurse peer support helpline. The bill directs that there be annually appropriated to NJ-NEW from the General Fund such sums as are sufficient to support the operations of NJ-NEW and the initiatives undertaken by NJ-NEW pursuant to the bill.

Workforce and Training Program Survey Requirements

The bill codifies certain existing surveys for nurses and creates new surveys for homemaker-home health aides (HHAs) and CNAs, as well as for schools that offer nurse training programs and HHA and CNA training programs.

Specifically, the survey for nurses, HHAs, and CNAs will solicit information concerning: 1) the person's licensure or certification status; 2) the person's demographic information, including age, race, ethnicity, and gender; 3) the person's educational background; 4) the person's employment status; 5) the person's primary employment setting; 6) the type of position held by the person; and 7) any other

information as may be required. Nurses will additionally be asked whether the nurse is licensed under the multistate Nurse Licensure Compact and whether, during the course of the prior year, the nurse provided professional services in other states under the compact. The survey is to be completed by the professional in connection with the professional's initial licensure or certification and in connection with the renewal of the professional's license or certification.

The survey for schools that offer training programs for nurses will include programs that offer a diploma, an associate's degree, a baccalaureate degree, or an advanced degree in nursing, as well as licensed practical nurse training programs.

The nurse training program survey and the surveys for HHA and CNA training programs will solicit the following information: 1) the number of applicants rejected by the school or program; 2) the total number of available slots at the school or program; 3) the total number of qualified candidates who applied to the school or program; 4) the total number of current enrollees in the school or program; 5) graduation rates from the school or program; 6) in the case of nursing schools, pass rates for program graduates for the National Council Licensure Examination; 7) demographic information concerning current students and faculty, including data concerning age, race, ethnicity, and gender; 8) faculty vacancy rates; 9) the total number of faculty employed; 10) the educational background of faculty members; and 11) such other information as may be required. The survey is to be completed by the school or training program no later than July 1 of each year.

The New Jersey Board of Nursing and the DOH will be required to develop and annually review the surveys required under the bill in collaboration with the NJCCN until oversight of CNAs transfers to the New Jersey Board of Nursing as provided under the bill. Thereafter, the New Jersey Board of Nursing will develop and review all the surveys required under the bill.

The New Jersey Board of Nursing will ensure compliance with the nurse and HHA survey requirements and, following transfer of oversight of CNAs from the DOH, CNAs and CNA training program survey requirements. Until oversight of CNAs transfers to the New Jersey Board of Nursing, the DOH will ensure compliance with CNA and CNA training program survey requirements. The NJCCN and New Jersey Board of Nursing will ensure compliance with the survey requirements for schools with nurse training programs and HHA training programs and, following transfer of oversight over CNAs from the DOH, CNA training programs. The New Jersey Board of Nursing and the DOH will each be required to take appropriate disciplinary action against entities within their respective jurisdictions that fail to complete the survey. A survey will not be deemed complete unless all survey questions are answered.

The New Jersey Board of Nursing will transmit de-identified nurse and HHA survey data, and following transfer of oversight of CNAs

from the DOH, CNA survey data, to the NJCCN, which will analyze the data and produce an annual aggregate report. The NJCCN will additionally analyze and produce an annual aggregate report of nursing school and HHA training program survey data, as well as CNA training program survey data following transfer of oversight of CNAs from the DOH. Until oversight of CNAs is transferred to the New Jersey Board of Nursing, the DOH will be required to analyze CNA and CNA training program survey data and produce an annual aggregate report; however, the department will be authorized to contract with the NJCCN to analyze the data and produce the report, the costs of which will be offset by the DOH furnishing the NJCCN with five percent of CNA licensure fees collected for the current reporting period.

The reports of survey data for nurses, HHAs, schools that offer training programs for nurses, and HHA training programs will be made available on the Internet websites of the New Jersey Board of Nursing and the NJCCN. The CNA and CNA training program reports will be made available on the Internet websites of the DOH and the NJCCN until oversight over CNAs transfers to the New Jersey Board of Nursing, at which point CNA and CNA training program reports will be made available on the Internet websites of the New Jersey Board of Nursing and the NJCCN.

Transferring Oversight of CNAs to New Jersey Board of Nursing

This bill modifies current law governing CNAs by transferring the regulation of CNAs from the DOH to the New Jersey Board of Nursing, which is part of the Division of Consumer Affairs in the Department of Law and Public Safety. Under the bill, references to CNAs in the law currently governing the profession and references to CNAs in law attributing the oversight of CNAs to the DOH are removed and substantively identical language on the regulation of CNAs is added under the law governing the New Jersey Board of Nursing or is added to provisions attributing CNA oversight to the board. The board is authorized under the bill to promulgate regulations to effectuate the purposes of the bill.

Preceptor Tax Credit Program

The bill establishes a gross income tax credit for preceptors of advanced practice nursing students, certified nurse midwife students, and certified registered nurse anesthetist students. The tax credit will be equal to \$1,000 per student primarily supervised by the preceptor. The preceptor will be required to supervise the student for at least 100 clinical hours during the taxable year to be eligible for the credit. The tax credit program will be limited to \$10 million annually, and the tax credits awarded under the program will be non-refundable and may not be carried forward.

As defined in the bill, a preceptor is an individual who is an advanced practice nurse, physician, physician assistant, or psychologist, who meets the qualifications for precepting under the rules and regulations of the New Jersey Board of Nursing, and who participates in the instructional training of advanced practice nursing, certified nurse midwife, or certified registered nurse anesthetist students.