

[First Reprint]

ASSEMBLY, No. 5353

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 22, 2021

Sponsored by:

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Co-Sponsored by:

**Assemblymen Armato, Mazzeo, Verrelli, Stanley, Assemblywomen
McKnight, Swain, Assemblyman Tully and Senator Oroho**

SYNOPSIS

Provides for certification of temporary nurse aides.

CURRENT VERSION OF TEXT

As reported by the Assembly Health Committee on March 8, 2021, with amendments.



(Sponsorship Updated As Of: 6/3/2021)

1 AN ACT concerning the certification of temporary nurse aides.

2

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

5

6 1. The Legislature finds and declares that:

7 a. In order to be employed as a certified nurse aide in a health
8 care facility, an applicant is required to have successfully completed
9 a State-approved training and competency evaluation program or a
10 program that is at least equal to State requirements.

11 b. Certified nurse aide training helps to ensure that certified
12 nurse aides possess the education, practical knowledge, and skills
13 needed to care for residents of health care facilities participating in
14 Medicare and Medicaid programs.

15 c. In light of COVID-19, regulatory provisions have been
16 waived to permit the hiring of temporary nurse aides to address
17 staffing shortages, including CMS's 1135 waiver of certain
18 requirements for training and certification of nurse aides.

19 d. Temporary nurse aides have served admirably and
20 compassionately in this capacity and have demonstrated, through
21 accelerated training and experience, adequate competency and the
22 ability to transition to working as certified nurse aides.

23

24 2. As used in this act:

25 "CMS" means the Centers for Medicare and Medicaid Services
26 within the United States Department of Health and Human Services.

27 "Commissioner" means the Commissioner of the New Jersey
28 Department of Health.

29 "Health care facility" means a health care facility licensed by the
30 Department of Health pursuant to P.L.1971, c.136 (C.26:2H-
31 1 et seq.).

32 "Temporary nurse aide" means a nurse aide who has been hired
33 by a health care facility in accordance with federal or State
34 regulatory waivers that were issued in response to COVID-19.

35

36 3. Notwithstanding any provision of law to the contrary, the
37 Commissioner shall issue a nurse aide certification to an applicant
38 who has applied to the Department of Health for certification as a
39 nurse aide, in a manner determined by the Commissioner, and who
40 is a temporary nurse aide, if within 45 days following the end of the
41 public health emergency declared in response to COVID-19:

42 a. the temporary nurse aide successfully completed a training
43 program and competency assessment authorized under a CMS
44 waiver due to COVID-19 ¹during the public health emergency
45 declared in response to COVID-19,¹ which may have included an

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:

¹Assembly AHE committee amendments adopted March 8, 2021.

- 1 online training component and an online examination ¹, and, if so
2 required by the CMS, such additional training as may be required to
3 satisfy the requirements of 42 C.F.R. s.483.152 or any other
4 provision of federal law or regulation¹;
- 5 b. the temporary nurse aide worked a minimum of 80 hours
6 under the supervision of a licensed professional nurse ¹**【who**
7 **documented the adequate competency of the temporary nurse aide】**
8 during the public health emergency declared in response to COVID-
9 19, and the temporary nurse aide’s adequate competency during that
10 period is established by a certification or letter from the director of
11 nursing attesting to the temporary nurse aide’s adequate
12 competency¹;
- 13 c. the temporary nurse aide successfully completed the
14 criminal history record background check required pursuant to
15 section 2 of P.L.1997, c.100 (C.26:2H-83); and
- 16 d. the temporary nurse aide successfully completed a State-
17 approved nurse aide written examination in no more than three
18 attempts ¹**【to successfully complete the examination】**¹ .
- 19
- 20 4. Temporary nurse aides who have not been certified as nurse
21 aides pursuant to section 3 of this act shall be permitted to work as
22 temporary nurse aides for no more than 90 days following the end
23 of the public health emergency declared in response to COVID-19.
24
- 25 5. This act shall take effect immediately and shall expire 90
26 days after the end of the public health emergency declared in
27 response to COVID-19.