

P.L. 2021, CHAPTER 326, *approved December 21, 2021*  
Assembly, No. 5353 (*Second Reprint*)

- 1   **AN ACT** concerning the certification of temporary nurse aides.  
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- 3       **BE IT ENACTED** *by the Senate and General Assembly of the State*  
4 *of New Jersey:*  
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- 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.  
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- 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 <sup>2</sup>applicable<sup>2</sup> federal  
34 <sup>2</sup>**[or]** <sup>2</sup>and<sup>2</sup> State regulatory waivers that were issued in response to  
35 COVID-19.  
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- 37       3. Notwithstanding any provision of law to the contrary, the  
38 Commissioner shall issue a nurse aide certification to an applicant  
39 who has applied to the Department of Health for certification as a

**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 AHE committee amendments adopted March 8, 2021.

<sup>2</sup>Assembly amendments adopted in accordance with Governor's recommendations November 8, 2021.

nurse aide, in a manner determined by the Commissioner, and who is a temporary nurse aide, if <sup>2</sup>within 45 days following the end <sup>1</sup>:

a. between the first day<sup>2</sup> of the public health emergency declared in response to COVID-19<sup>2</sup> and January 11, 2022<sup>2</sup>:

<sup>2</sup>[a.] (1)<sup>2</sup> the temporary nurse aide successfully completed a training program and competency assessment authorized under a <sup>2</sup>[CMS] New Jersey<sup>2</sup> waiver due to COVID-19 <sup>2</sup>[<sup>1</sup>during the public health emergency declared in response to COVID-19,<sup>1</sup>]<sup>2</sup> which <sup>2</sup>[may have]<sup>2</sup> included an online training component and an online examination <sup>1</sup>, and, if so required <sup>2</sup>[by the CMS]<sup>2</sup>, such additional training as may be required to satisfy the requirements of 42 C.F.R. s.483.152 or any other provision of federal law or regulation<sup>1</sup>; <sup>2</sup>and<sup>2</sup>

<sup>2</sup>[b.] (2)<sup>2</sup> the temporary nurse aide worked a minimum of 80 hours under the supervision of a licensed professional nurse <sup>1</sup>[who documented the adequate competency of the temporary nurse aide]<sup>2</sup>[during the public health emergency declared in response to COVID-19]<sup>2</sup>, and the temporary nurse aide's adequate competency during that period is established by a certification or letter from the director of nursing attesting to the temporary nurse aide's adequate competency<sup>1</sup>;

<sup>2</sup>[c.] b.<sup>2</sup> the temporary nurse aide successfully completed the criminal history record background check required pursuant to section 2 of P.L.1997, c.100 (C.26:2H-83) <sup>2</sup>except that this section shall not be construed to supersede subsection d. or any other provision of section 3 of P.L.1997, c.100 (C.26:2H-84)<sup>2</sup>; and

<sup>2</sup>[d.] c. between the first day of the public health emergency declared in response to COVID-19 and February 16, 2022,<sup>2</sup> the temporary nurse aide successfully completed <sup>2</sup>(1)<sup>2</sup> a State-approved nurse aide written examination in no more than three attempts <sup>2</sup>and (2) a State-approved clinical skills competency examination<sup>2</sup> <sup>1</sup>[to successfully complete the examination]<sup>1</sup>.

4. Temporary nurse aides who have not been certified as nurse aides pursuant to section 3 of this act shall be permitted to work as temporary nurse aides <sup>2</sup>[for no more than 90 days following the end of the public health emergency declared in response to COVID-19]<sup>2</sup> until February 16, 2022<sup>2</sup>.

<sup>2</sup>5. The Department of Health may issue guidance or adopt regulations necessary to effectuate the purposes of this act, which regulations shall be effective immediately upon filing with the Office of Administrative Law and until February 16, 2022.<sup>2</sup>

1       <sup>2</sup>**【5.】 6.**<sup>2</sup> This act shall take effect immediately and shall  
2 expire <sup>2</sup>**【90 days】** on the 365th day<sup>2</sup> after the end of the public  
3 health emergency declared in response to COVID-19.

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8       Provides for certification of temporary nurse aides.