SENATE, No. 3421

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 9, 2021

Sponsored by:
Senator FRED H. MADDEN, JR.
District 4 (Camden and Gloucester)
Senator SHIRLEY K. TURNER
District 15 (Hunterdon and Mercer)

SYNOPSIS

Provides for certification of temporary nurse aides.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 2/9/2021)

AN ACT concerning the certification of temporary nurse aides.

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

1. The Legislature finds and declares that:

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

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

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

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

2. As used in this act:

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

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

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

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

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

a. the temporary nurse aide successfully completed a training program and competency assessment authorized under a CMS waiver due to COVID-19 which may have included an online training component and an online examination;

b. the temporary nurse aide worked a minimum of 80 hours under the supervision of a licensed professional nurse who documented the adequate competency of the temporary nurse aide;

c. 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); and

d. the temporary nurse aide successfully completed a State-approved nurse aide written examination in no more than three attempts to successfully complete the examination.

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 for no more than 90 days following the end of the public health emergency declared in response to COVID-19.

5. This act shall take effect immediately and shall expire 90 days after the end of the public health emergency declared in response to COVID-19.

STATEMENT

This bill provides for the certification of temporary nurse aides.

Under the bill, the Commissioner of Health (commissioner) is to issue a nurse aide certification to an applicant who has applied to the Department of Health for certification as a nurse aide, in a manner determined by the commissioner, and who is a temporary nurse aide, if within 45 days following the end of the public health emergency declared in response to COVID-19: the temporary nurse aide successfully completed a training program and competency assessment authorized under a Centers for Medicare and Medicaid Services (CMS) waiver due to COVID-19 which may have included an online training component and an online examination; the temporary nurse aide worked a minimum of 80 hours under the supervision of a licensed professional nurse who documented the adequate competency of the temporary nurse aide; 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); and the temporary nurse aide successfully completed a State-approved nurse aide written examination in no more than three attempts to successfully complete the examination.

The bill provides that temporary nurse aides who have not been certified as nurse aides are to be permitted to work as temporary nurse aides for no more than 90 days following the end of the public health emergency declared in response to COVID-19.