

[First Reprint]

**SENATE, No. 3421**

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# **STATE OF NEW JERSEY**

## **219th LEGISLATURE**

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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)**

**Co-Sponsored by:**

**Senators Oroho and O'Scanlon**

**SYNOPSIS**

Provides for certification of temporary nurse aides.

**CURRENT VERSION OF TEXT**

As reported by the Senate Health, Human Services and Senior Citizens Committee on May 6, 2021, with amendments.



**(Sponsorship Updated As Of: 12/2/2021)**

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 who  
38 has applied to the Department of Health for certification as a nurse  
39 aide, in a manner determined by the Commissioner, and who is a  
40 temporary nurse aide, if within 45 days following the end of the public  
41 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 waiver  
44 due to COVID-19 <sup>1</sup>during the public health emergency declared in  
45 response to COVID-19,<sup>1</sup> which may have included an online training

**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>Senate SHH committee amendments adopted May 6, 2021.

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