

## **HEALTH**

### **HEALTH SYSTEMS BRANCH**

#### **DIVISION OF CERTIFICATE OF NEED AND LICENSING**

##### **Standards for Licensure of Long-Term Care Facilities**

##### **Certification of Nurse Aides in Long-Term Care Facilities**

##### **Approval of a Nurse Aide in Long-Term Care Facilities Training Program—Nurse Aide Training Program Instructor/Evaluator**

##### **Adopted Amendment: N.J.A.C. 8:39-43.10**

Proposed: May 5, 2025, at 57 N.J.R. 887(a).

Adopted: \_\_\_\_\_, 2025, by Jeffrey A. Brown, Acting Commissioner, with the approval of the Health Care Administration Board.

Authority: N.J.S.A. 26:2H-1 et seq., specifically 26:2H-5.

Filed: \_\_\_\_\_, 2025, as R.2025, d. \_\_\_\_\_, without change.

Effective Date: \_\_\_\_\_, 2025.

Expiration Date: November 22, 2028.

##### **Summary of Public Comments and Agency Responses:**

The Department of Health (Department) received comments from the following:

1. James W. McCracken, LNHA, President and CEO, LeadingAge® New Jersey and Delaware, Hamilton Township, NJ;

2. Tyla Minniear, Chief Operating Officer, New Jersey Health Care Quality Institute, Princeton, NJ, and Jake McDonald, Senior Policy Advocacy Specialist, PHI, New York, NY, as Co-Leads for The Essential Jobs, Essential Care™ New Jersey Coalition;

The official versions of any Departmental rulemaking activity (notices of proposal or adoption) are published in the New Jersey Register and/or the New Jersey Administrative Code. Should there be any discrepancies between this document and the official version of the proposal or adoption, the official version will govern.

3. Christine Stearns, Chief Government Relations Officer, New Jersey Hospital Association, Princeton, NJ;

4. Daria Waszak, DNP, RN, CNE, COHN-S, Executive Director, New Jersey Collaborating Center for Nursing, Newark, NJ.

Quoted, summarized, and/or paraphrased below, are the comments and the Department's responses thereto. The number in parentheses following each comment, below, corresponds to the commenter number, above.

1. COMMENT: A commenter "applauds the [Department's] work ... in responding to requests to update the required qualifications for ... CNA ... instructors and evaluators." The commenter states that "New Jersey suffers from a shortage of qualified CNA evaluators[,] which makes it more difficult for people who want to become CNAs to receive the certification they need. This contributes to the crisis-level shortage of CNAs [that the State is] experiencing .... Despite the shortage, New Jersey's requirements for evaluator qualifications [exceed F]ederal requirements; unduly limiting the number of evaluators with no apparent benefit to New Jersey residents. By eliminating these unnecessary requirements, the [proposed amendment would] increase the number of evaluators and, subsequently, the number of people becoming CNAs. Decisive action is needed now given [the] current acute shortage of CNAs. For these reasons, [the commenter] applaud[s] the Department's work to update the qualification requirements. The shortage of CNAs in New Jersey is being felt by workers, patients, providers, and families. Without timely action, this shortage will only grow worse." (2)

2. COMMENT: Commenters “express support for the proposed [amendment at] N.J.A.C. 8:39-43.10(n)[,] which would align New Jersey’s nurse aide training program evaluator requirements with the Centers for Medicare and Medicaid Services requirements ... at 42 CFR 483.154(c)(4)(ii).” The commenters appreciate “the Department’s consideration of the importance of increasing the number of qualified nurse aide evaluators at a time when the field is working to attract new individuals to the role of nursing assistant in long[-]term care and other settings.” (1, 3)

3. COMMENT: A commenter “applaud[s] the Department’s efforts to update the qualification requirements for [CNA] evaluators.” The commenter states that in 2024 it worked with other entities to collect data on the New Jersey CNA workforce, “which revealed that 39 [percent] of [then-existing] “CNAs planned to retire within two years.” The commenter states that, given the existing “and ongoing shortage projections of healthcare workers in [New Jersey,] it is essential that ... barriers to training [be reduced] by making more evaluators available without impacting quality and safety” and that exceeding Federal requirements “does not serve [State] residents who are in need of CNAs in varied settings nor ... appear [to] improve quality and safety.” (4)

RESPONSE TO COMMENTS 1, 2, 3, AND 4: The Department acknowledges the commenters’ support of the proposed rulemaking.

### **Federal Standards Statement**

The adopted amendment is not being adopted under the authority of, or to implement, comply with, or participate in, any program established under Federal law or a State statute that incorporates or refers to any Federal law, standard, or requirement. Therefore, a Federal standards analysis is not required.

**Full text** of the adoption follows: