

CHAPTER 45B
PERSONNEL SERVICES

Authority

N.J.S.A. 34:8-54 and 56:8-1 et seq.

Source and Effective Date

R.2003 d.136, effective March 4, 2003.
See: 34 N.J.R. 3448(a), 35 N.J.R. 1563(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 45B, Personnel Services, expires on August 31, 2008. See: 40 N.J.R. 1762(a).

Chapter Historical Note

Chapter 45B, Private Employment Agencies, was originally codified in Title 12 as Chapter 55, Private Employment Agencies, consisting of Subchapters 1 through 3, and was filed and became effective prior to September 1, 1969.

Chapter 55 of Title 12 was recodified as Chapter 45B of Title 13 after jurisdiction of the subject matter was transferred to the Division of Consumer Affairs within the Department of Law and Public Safety pursuant to N.J.S.A. 52:17B-139.1 et seq., approved August 4, 1972 to become effective 90 days thereafter.

Subchapter 5, Booking Agencies, was adopted as R.1989 d.209, effective April 17, 1989. See: 20 N.J.R. 2684(a), 21 N.J.R. 1016(c). Subchapter 6, Fees, was adopted as R.1990 d.317, effective June 18, 1990. See: 22 N.J.R. 906(a), 22 N.J.R. 1941(b).

Chapter 45B, Private Employment Agencies, was repealed and a new Chapter 45B, Personnel Services, was adopted as R.1992 d.357, effective September 21, 1992. See: 23 N.J.R. 2470(a), 23 N.J.R. 2919(a), 24 N.J.R. 3316(a).

Subchapter 5, Providers of Temporary Help Exempt from N.J.S.A. 34:8-43 et seq., and Subchapter 9, Registration for Consulting Firms, were repealed by R.1995 d.106, effective February 21, 1995. See: 26 N.J.R. 4316(a), 27 N.J.R. 732(a).

Subchapter 14, Health Care Service Firms, and Subchapter 15, Placement of Health Care Practitioners, were adopted as R.1995 d.190, effective April 3, 1995. See: 26 N.J.R. 4316(a), 27 N.J.R. 1430(a).

Subchapter 5, Consulting Firms, was adopted as R.1996 d.191, effective April 15, 1996. See: 27 N.J.R. 3910(a), 28 N.J.R. 2078(a).

Pursuant to Executive Order No. 66(1978), Chapter 45B, Personnel Services, was readopted as R.1997 d.421, effective September 12, 1997. See: 29 N.J.R. 2622(a), 29 N.J.R. 3509(a), 29 N.J.R. 4291(a).

Chapter 45B, Personnel Services, was readopted as R.2003 d.136, effective March 4, 2003. See: Source and Effective Date.

Subchapter 12, Temporary Help Service Firms, was adopted as new rules; former Subchapter 12, Advertising and Solicitations, was recodified as Subchapter 15; former Subchapter 13, Violations, was recodified as Subchapter 16; former Subchapter 14, Health Care Service Firms, was recodified as Subchapter 13; and former Subchapter 15, Placement of Health Care Practitioners, was recodified as Subchapter 14 by R.2008 d.92, effective April 21, 2008. See: 40 N.J.R. 91(b), 40 N.J.R. 2118(a).

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SUBCHAPTER 1. PURPOSE AND SCOPE; DEFINITIONS

13:45B-1.1 Purpose and scope

(a) The rules contained in this chapter implement N.J.S.A. 34:8-43 et seq. and N.J.S.A. 56:8-1.1, and regulate the operation of persons offering, promising, attempting to procure and/or supplying, procuring, obtaining or assisting in procuring or obtaining employment or personnel services or products in the State of New Jersey.

(b) This chapter shall apply to any person engaging in any of the activities regulated by N.J.S.A. 34:8-43 et seq., including persons whose residence or principal place of business is located outside of this State.

13:45B-1.2 Definitions

The following words and terms, when used in this chapter and in license application forms and licenses, shall have the following meanings unless the context clearly indicates otherwise:

“Accepting employment” means that a job seeker has entered into an agreement with an employer which includes:

1. The terms and conditions of employment;
2. The salary or wages and any benefits to be paid to the job seeker as compensation for employment; and
3. The date, time and place employment will commence.

“Act” means P.L. 1989, c.331, (N.J.S.A. 34:8-43 et seq.), an Act regulating certain employment agencies, services and firms, supplementing Title 52 of the Revised Statutes and repealing P.L. 1951, c.337 and Section 6 of P.L. 1981, c.500.

“Advertisement” means any advertisement as defined by N.J.S.A. 56:8-1(a) of any service or product, including any statement appearing in a newspaper, periodical, pamphlet, circular, or other publication, in direct mail literature, on a display or any exterior or interior sign, or radio or television broadcast, or transmitted by telecopier, telex, or telephone, that offers a service or product for sale, whether or not the statement includes a price.

“Agent” means any individual who performs any function or activity for or on behalf of any person, the purpose of which is to provide services or products to individuals seeking employment, career guidance or counseling, or employment-related services or products.

“Agent-registrant” means a person authorized and empowered by the owner of a service registered pursuant to N.J.S.A. 34:8-43 et seq. to solicit business or otherwise act as an agent of the registered service.

“Applicant” means any person applying for licensing or registration under the Act.

“Bona fide job order” means an accurate written or recorded description of a job or jobs to be filled, with an address or location where the job is to be performed, the range of salary, the conditions of employment offered, the date of order, the name of the individual placing the order, and the name of the interviewer to be contacted by the job seeker.

“Booking agency” means any person who procures, offers, promises, or attempts to procure employment for performing artists, or athletes, not under the jurisdiction of the Athletic Control Board, and who collects a fee for providing those services. Under N.J.S.A. 34:8-43 et seq., a booking agency is licensed as an employment agency.

“Broker” means a person who acts, works or performs duties as an agent for others, in return for a fee, charge or commission.

“Career consulting or outplacement organization” means any person required to be registered under N.J.S.A. 34:8-65, providing or rendering services, with or without related products, in connection with advice, instruction, analysis, recommendation or assistance concerning past, present, or future employment or compensation for an individual’s time, labor or effort where the products or services are paid for by the job seeker.

“Career counseling service” means any person who, through its agents or otherwise, procures or represents itself as procuring employment or employment assistance or advertises in any manner the following services for a fee paid

by the job seeker: career counseling; vocational guidance; aptitude, achievement or vocational testing; executive consulting; personnel consulting; career management, evaluation, or planning; the development of resumes and other promotional materials relating to the preparation for employment; or referral services relating to employment or employment qualifications. Pursuant to N.J.S.A. 34:8-43 et seq., a career counseling service is licensed as an employment agency. A career counseling service shall not include career consulting or outplacement organizations required to be registered under N.J.S.A. 34:8-65.

“Consulting firm” means any person required to be registered under N.J.S.A. 34:8-64 who: identifies, appraises, refers or recommends individuals to be considered for employment by the employer; and is compensated for services solely by payments from the employer and is not in any instance, compensated, directly or indirectly, by an individual who is identified, appraised, referred or recommended. (Consulting firms are commonly known as “executive search firms” or “headhunters.”)

“Director” means the Director of the Division of Consumer Affairs or his or her designee.

(b) The employment agency shall require all job seekers applying for positions of trust or work with private families to furnish the agency with names and addresses of individuals available as character references, and shall communicate, orally or in writing, with at least one of the individuals given by the job seeker as a character reference.

1. If the job seeker has not furnished the name of any individuals available as character references, or if no favorable statement has been received from a character reference, the employment agency shall so advise the prospective employer to whom the job seeker is referred. This information shall be written upon the referral slip given by the employment agency to the job seeker to present to the prospective employer. The written result of the verification to determine the character and responsibility of any job seeker shall be kept on file in the employment agency subject to examination by the Executive Director.

2. If the employer voluntarily waives, in writing, a verification of references, the licensed employment agency shall not be required to make the verification.

Amended by R.1995 d.190, effective April 3, 1995.
See: 26 N.J.R. 4316(a), 27 N.J.R. 1430(a).

SUBCHAPTER 3. BUSINESS LOCATIONS

13:45B-3.1 Business locations; special permits

(a) Any building or part thereof in which an employment agency is conducted or operated shall be maintained with due regard to reasonably safeguarding such confidential information as may properly be given to the agency.

(b) An employment agency license, or registration under N.J.S.A. 34:8-65 or 66, shall not authorize activities at any place other than the place designated in the license or registration except upon issuance of a special permit by the Director, as follows:

1. Where an activity is to take place away from the premises designated in the license, application for a special permit shall be made on a form supplied by the Section, which must be received by the Section no later than seven business days before the event.

2. Each separate location shall require a separate special permit.

3. The fee for each special permit shall be \$10.00. A check or money order for that sum shall accompany the application.

4. The special permit shall be prominently displayed in the entrance to the event in a location where it is clearly visible to all patrons.

(c) An employment agency, or any licensed or registered person, shall not conduct business or any phase thereof, in any room or place where:

1. An individual sleeps or conducts his or her household affairs, unless the business premises have separate ingress and egress from the residential premises; this provision shall not apply to persons who do not have any personal contact with either job seekers or prospective employers on their business premises; or

2. Premises which are rented or leased on an hourly, daily, weekly, or other transient basis unless approved by special permit, as set forth in (b) above; this provision shall not apply to consulting firms.

(d) The following shall apply to entertainment showcases:

1. A special permit is required when the services of any performing artist are offered to the public at a specific time and location, such being known as an entertainment showcase, if the services are being offered by a person who will be accepting a fee, commission or charge when the performer books an engagement with an employer. (Only licensed booking agencies may offer this service). The permit is required whether performers appear in person or their services are offered by electronic means.

2. If services are offered by electronic means for a prospective employer in the home of the prospective employer, a special permit is not required. However, at the beginning of any electronic presentation, the name, address and license number of the entertainment agency and the name and address of this Section shall be displayed on an electronic screen for a minimum period of 20 seconds or, if any other type of electronic presentation is given, the above information shall be supplied in written form.

Amended by R.1995 d.190, effective April 3, 1995.
See: 26 N.J.R. 4316(a), 27 N.J.R. 1430(a).

SUBCHAPTER 4. EXAMINATIONS AND VARIOUS CLASSIFICATIONS OF EMPLOYMENT AND PERSONNEL SERVICES

13:45B-4.1 Examination subjects

(a) Each applicant for an employment agent's license shall, in the manner and at the time and place designated by the Executive Director, answer written questions concerning the following:

1. The provisions of the Act;

2. This chapter; and

3. The applicant's knowledge of and experience in the fields of employment specified in the application.

Amended by R.1995 d.190, effective April 3, 1995.
See: 26 N.J.R. 4316(a), 27 N.J.R. 1430(a).

13:45B-4.2 "Aeronautical" classification

Applicants for an employment agent's license who include "aeronautical" in the type or class of occupation in which they intend to furnish help or employment shall furnish to the Executive Director a written statement from the Division of Aeronautics in the State Department of Transportation certifying to the Executive Director that, in the opinion of the Division of Aeronautics, the applicant has sufficient knowledge of the types of licenses required by persons to be legally engaged in the operation, maintenance or repair of aircraft.

Amended by R.1995 d.190, effective April 3, 1995.
See: 26 N.J.R. 4316(a), 27 N.J.R. 1430(a).

13:45B-4.3 (Reserved)

Repealed by R.1995 d.190, effective April 3, 1995.
See: 26 N.J.R. 4316(a), 27 N.J.R. 1430(a).

Formerly "Nursing registry" and "nursing" and/or "health care services" classification".

13:45B-4.4 (Reserved)

13:45B-4.5 "Career counseling" classification

(a) An applicant for an employment agent's license who designates their field of employment as "career counseling" as a type or class of services which they intend to provide are persons other than those required to be registered pursuant to N.J.A.C. 13:45B-9.1 (that is, consulting firms, career consulting or outplacement organizations, and prepaid computer job matching or job listing services) and who provides or offers to provide the following services for a fee charged to the job seeker shall be classified as a career counseling agent:

1. Vocational guidance;
2. Aptitude, achievement or vocational testing beyond measurement of single skills, such as typing;
3. Career counseling, management, evaluation or planning;
4. Development of resumes and other promotional materials relating to the preparation for employment;
5. Referral services relating to employment or employment qualifications; or
6. Executive or personnel consulting.

(b) To be classified as a career counseling agent, an applicant shall:

1. Hold a graduate degree in counseling or in a related professional field which will ensure adequate and efficient service to clients;
2. Have at least one year of career counseling experience under the supervision of a certified or licensed career counselor; and

3. Pass the career counseling examination administered by the Section.

(c) A career counseling agent shall comply with all requirements applicable to holders of an employment agent's license.

Amended by R.1995 d.190, effective April 3, 1995.
See: 26 N.J.R. 4316(a), 27 N.J.R. 1430(a).

13:45B-4.6 Temporary placement operation (functioning in conjunction with an employment agency and integrated)

(a) For purposes of this section, "temporary placement operation" means an operation integrated with a licensed employment agency that assigns job seekers to assist the agency's customers in handling temporary, excess, or special work loads, for a fee paid by the job seeker or the customer. A "temporary placement operation" differs from a temporary help service firm in that neither the temporary placement operation nor the employment agency with which it is integrated does any of the following things:

1. Pays a wage or salary to the employed individual;
2. Pays or is required to pay Federal social security taxes and State and Federal unemployment insurance;
3. Is required to carry workers' compensation insurance covering the employed individual; or
4. Sustains responsibility for the actions of the employed individuals while they render services to the agency's customers.

(b) If a licensed employment agency provides temporary placement services as described in (a) above, the temporary placement operation function shall be subject to the requirements of N.J.S.A. 34:8-43 et seq. and N.J.A.C. 13:45B-1 through 4 and 7, 8, 15 and 16, as well as this section.

(c) Employment agencies may integrate the permanent placement and temporary placement operations, provided that:

1. In addition to the fee schedule for permanent placements, employment agencies shall submit a fee schedule for temporary placements;
2. An employment agency shall charge the employer or the job seeker a fee based on the fee schedule the agency has submitted to the Section;
3. All personnel acting as representatives for an employment agency, who are soliciting business, furnishing help or employment, or furnishing information as to where help or employment may be obtained, or who manage, operate or carry on the business of an employment agency are required to be licensed;
4. An employment agency is not permitted to conduct business at an unlicensed location, unless the agency holds

a special permit for an activity, pursuant to N.J.A.C. 13:45B-3.1(b) and pays a fee of \$10.00 as set forth in N.J.A.C. 13:45B-7.1; and

5. Job seekers are clearly informed in writing that a particular position is temporary or permanent.

Amended by R.1995 d.190, effective April 3, 1995.

See: 26 N.J.R. 4316(a), 27 N.J.R. 1430(a).

Amended by R.2008 d.92, effective April 21, 2008.

See: 40 N.J.R. 91(b), 40 N.J.R. 2118(a).

In (b), substituted "15 and 16" for "12 and 13".

13:45B-4.7 Employment agency providing temporary help

An employment agency providing temporary help shall comply with all requirements in this chapter that apply to employment agencies. All personnel acting as representatives for an employment agency, who are soliciting business, furnishing help or employment, or furnishing information as to where help or employment may be obtained, or who manage, operate or carry on the business of an employment agency are required to be licensed.

Amended by R.1995 d.190, effective April 3, 1995.

See: 26 N.J.R. 4316(a), 27 N.J.R. 1430(a).

SUBCHAPTER 5. CONSULTING FIRMS

13:45B-5.1 Consulting firm providing temporary help services

(a) A consulting firm that provides temporary help services as defined in N.J.A.C. 13:45B-1.2 pursuant to N.J.S.A. 34:8-64g shall not be required to register as both a consulting firm and a temporary help service firm. Such firm shall annually register as, and pay the registration fee for, a consulting firm.

(b) A consulting firm that provides temporary help services pursuant to N.J.S.A. 34:8-64g shall be required to post a bond of \$1,000 with the Attorney General to secure compliance with N.J.S.A. 56:8-1 et seq., the Consumer Fraud Act. The Director may waive such bond for any corporation or entity having a net worth of \$100,000 or greater. In order to obtain such a waiver, the consulting firm must provide a copy of a certified financial report prepared by a certified public accountant or licensed accountant establishing that the firm has a net worth of \$100,000 or greater.

SUBCHAPTER 6. ENTERTAINMENT AGENCIES

13:45B-6.1 Purpose and scope

(a) The rules contained in this subchapter implement the Bureau of Employment and Personnel Services Act, N.J.S.A. 34:8-43 et seq., and supplement rules in this chapter that

govern the operation of entertainment agencies and agents, under which booking agencies and employment agencies and agents who procure, obtain, offer, promises or attempts to procure or obtain employment or engagements for actors, actresses, performing artists, vocalists, musicians or models in this State.

(b) This subchapter shall apply to all persons, as defined in N.J.A.C. 13:45B-1.2, operating entertainment agencies located in New Jersey, or agencies wherever located that place performing artists in temporary or permanent positions located in New Jersey, or that engage in single or repeated acts of solicitation to employees or job seekers resident in New Jersey, whether by mail, newspaper, magazine, telephone, sales/TV, radio/TV, poster, billboard, or any other media, or in person.

13:45B-6.2 Definitions

For the purposes of this subchapter, the following words and terms shall have the following meanings, unless the context clearly indicates otherwise:

"Booking agency" means any person which procures, offers, promises or attempts to procure employment for performing artists or athletes not under the jurisdiction of the Athletic Control Board and which collects a fee for providing such employment; a booking agency is licensed as an employment agency.

"Booking agent" means any person, as defined in N.J.S.A. 56:8-1(d), who performs any solicitation or recruiting function for or on behalf of any booking agency; a booking agent is licensed as an employment agent.

"Entertainment" agency means a booking agency or an employment agency which procures, obtains, offers, promises or attempts to procure or obtain employment or engagements for actors, actresses, performing artists, vocalists, musicians or models.

"Performing artists" means musical, theatrical, vaudeville, film, television, or radio performers, as well as models, whether employed or engaged individually or as a group, and athletes not under the jurisdiction of the Athletic Control Board.

13:45B-6.3 Entertainment agency licenses; posting

(a) In every entertainment agency operated and conducted under the Act and this chapter, the license under which the entertainment agency is conducted and operated shall be displayed in a prominent place where it may be easily seen and read by all persons visiting the entertainment agency.

(b) Each person required to have an agent's license shall display such license in such place and manner as to make it readily visible and legible by persons doing business with such licensee.

(c) There shall be posted in each entertainment agency the agency's schedule of fees, as well as a certified abstract of the Act and this chapter. Such posting shall be in a manner and place as to be readily visible and legible by persons doing business with the agency. The entertainment agency shall also have full copies of the Act and this chapter available for any job seeker's or employer's review. The certified abstract shall be available from the Bureau for a fee of \$5.00.

13:45B-6.4 Entertainment agency contracts

(a) Each performing artist shall be supplied with a copy of any contract with the entertainment agency signed by the artist.

(b) Each entertainment agency shall file a copy of the form(s) of any contract used or to be used by the agency with the Regulated Business Section of the Office of Consumer Protection, 124 Halsey Street, P.O. Box 45028, Newark, New Jersey 07102.

(c) Copies of all executed contracts between the entertainment agency and performing artists shall be maintained by the agency in a form suitable for inspection by the Section. These copies shall be made available for inspection by representatives of the Section.

(d) If the entertainment agent's contract with the performing artist includes products, such as, but not limited to, photographs or a photographic publication, the contract shall state the exact quantity, quality, and cost of the item(s) to be supplied, and the date of delivery or publication.

(e) If date of delivery or publication is more than 60 days following the date of the contract, no more than one-third of any fee, charge or commission shall be collected by the licensed entertainment agency for its products prior to delivery.

(f) If the entertainment agency fails to deliver products or services by the date of delivery as specified in the contract, the job seeker is entitled to a full refund of monies paid for the promised service and/or product. The job seeker may waive the right to a refund by acknowledging and waiving the right in writing.

Amended by R.1995 d.190, effective April 3, 1995.
See: 26 N.J.R. 4316(a), 27 N.J.R. 1430(a).

13:45B-6.5 Entertainment agency advertising

(a) All advertisements shall contain the name, address as it appears on the license, and license number of the entertainment agency.

(b) Copies of all entertainment agency advertisements shall be maintained by the agency for two years following publication or dissemination in a form suitable for inspection by the Division, and made available for inspection by representative of the Division.

(c) While performing the functions of an entertainment agent, a booking agent shall carry and provide to job seekers and employers a business card containing his or her license number.

13:45B-6.6 Information required

(a) Information required by N.J.S.A. 34:8-43 et seq. and this subchapter shall be provided to the Regulated Business Section, Office of Consumer Protection, 124 Halsey Street, Newark, New Jersey 07102 (Mailing address: P.O. Box 45028, Newark, New Jersey 07101) on January 1 of each year. Where the entertainment agency begins operation after January 1, the information required by N.J.S.A. 34:8-43 et seq. and this subchapter shall be provided with the agency's application. Application forms shall be supplied by the Section.

(b) Completed forms shall be accompanied by the fee required under N.J.S.A. 34:8-50 and the bond required pursuant to N.J.S.A. 34:8-49.

Amended by R.1995 d.190, effective April 3, 1995.
See: 26 N.J.R. 4316(a), 27 N.J.R. 1430(a).

SUBCHAPTER 7. FEES AND EXPIRATION DATES

13:45B-7.1 Fee schedule

The following fees shall be charged by the Office of Consumer Protection, Regulated Business Section:

Employment agency annual license.....	\$250.00
Consulting firm annual registration.....	\$175.00
Career consulting or outplacement firm annual registration.....	\$250.00
Health care service firm annual registration, each primary location.....	\$500.00
Job listing service and registration	\$250.00
Prepaid computer job matching service annual registration.....	\$250.00
Temporary help service firm annual registration, primary location.....	\$175.00
Temporary help service firm, permit for operation of each other location.....	\$10.00
Agent's annual license.....	\$25.00
Agent's conditional license.....	\$25.00
Transfer of agent's license.....	\$10.00
Agent-registrants	\$25.00
Fee for abstract of law	\$5.00
Examination fee.....	\$25.00
Late fee for renewals	\$25.00
Special (off-premises) permit	\$10.00

Amended by R.1995 d.190, effective April 3, 1995.
See: 26 N.J.R. 4316(a), 27 N.J.R. 1430(a).
Amended by R.1996 d.191, effective April 15, 1996.
See: 27 N.J.R. 3910(a), 28 N.J.R. 2078(a).
Decreased fees for consulting firms and temporary help service firms (primary location).

13:45B-13.3 Initial registration requirements

(a) Except as set forth in N.J.A.C. 13:45B-13.4, each health care service firm shall register with the Division by submitting the following, on forms provided by the Director:

1. A registration form which shall include the following information:

i. The name of the health care service firm and any fictitious or trade name used in its operation and the names of health care companies related through joint ownership, boards of directors, officers, incorporators or principals;

ii. Each primary location including street and street number of the building(s) and place(s) where its business is to be conducted and the addresses of all health care companies related through joint ownership, boards of directors, officers, incorporators or principals;

iii. The name and residence address of each officer, director, and principal;

iv. The name, residence and business street address, and business telephone number of each person with an ownership interest of 10 percent or more in the agency and the percentage of ownership held; and

v. The name, residence and business street address and business telephone number of each person who is a managing agent of the agency; or, if the managing agent is a corporation, association or other company, its name, street address and telephone number and the names and addresses of its officers and directors;

2. A certification of each officer, director, principal or owner setting forth whether he or she has ever been convicted of a crime as set forth in N.J.S.A. 34:8-44;

3. A bond of \$10,000 to secure compliance with P.L. 1989, c.331 (N.J.S.A. 34:8-43 et seq.). The Director may waive the bond requirement for any corporation or entity having a net worth of \$100,000 or more. In order to obtain a waiver, the health care service firm shall provide a copy of a certified financial report prepared by a certified public accountant or licensed accountant establishing a net worth of \$100,000 or greater; and

4. A list of any licenses held in another state by the health care service firm, or by any officer, director, owner or principal of the health care service firm, to provide health care services in another state, a description of any actions taken by another state on those licenses, including violations of health or labor laws, and a description of any violations of Federal law by the health care service firm or any principal of the health care service firm.

(b) A health care service firm shall provide the information set forth in (a)iv and v above prior to any change in ownership or management.

(c) If any information required to be included on the application changes, the health care service firm shall provide that information to the Section, in writing, within 30 calendar days of the change.

(d) In the event an officer, director, principal or owner is convicted of a crime subsequent to filing the affidavit required by (a) above, the health care service firm shall obtain a new affidavit from that individual and shall file the affidavit with the Section within 30 days of the conviction.

Amended by R.2005 d.53, effective February 7, 2005.

See: 36 N.J.R. 2584(a), 37 N.J.R. 504(a).

In (a), rewrote i and ii in 1, added 4.

Recodified from N.J.A.C. 13:45B-14.3 and amended by R.2008 d.92, effective April 21, 2008.

See: 40 N.J.R. 91(b), 40 N.J.R. 2118(a).

In the introductory paragraph of (a), updated the N.J.A.C. reference.

13:45B-13.4 Firms registered prior to April 3, 1995 and meeting the definition of health care service firm

(a) A firm registered prior to April 3, 1995 and meeting the definition of a health care service firm shall not be required to comply with the initial registration requirements of N.J.A.C. 13:45B-13.3(a)1 and 2. Such entity shall, however, comply with the provisions of N.J.A.C. 13:45B-13.3(a)3 by ensuring that it has filed a \$10,000 bond with the Director, unless the Director has waived the bond requirement for the reasons set forth therein.

(b) The firm shall return the old certificate of registration to the Division by May 3, 1995. The Division will issue a new certificate within 15 days after receipt of the old certificate.

Recodified from N.J.A.C. 13:45B-14.4 and amended by R.2008 d.92, effective April 21, 2008.

See: 40 N.J.R. 91(b), 40 N.J.R. 2118(a).

In (a), updated both N.J.A.C. references.

13:45B-13.5 Registration renewal

(a) A health care service firm shall renew registration on or prior to July 1 of each year by submitting the following, on forms provided by the Director.

1. A renewal application, which shall provide the information set forth in N.J.A.C. 13:45B-13.3(a)1; a certification that no new officers, directors, principals or owners have been added since the previous renewal; a list of primary locations; an updated description of any action taken by another state upon a license held by the health care service firm or by any officer, director, owner or principal of the health care service firm; and an updated description of any violations of Federal or New Jersey State law by the health care service firm or any officer, director, owner or principal of the health care service firm.

2. A \$10,000 bond, unless the health care service firm has a perpetual bond or the Director has waived the bond

requirement for the reasons set forth in N.J.A.C. 13:45B-13.3(a)3.

Amended by R.2005 d.53, effective February 7, 2005.

See: 36 N.J.R. 2584(a), 37 N.J.R. 504(a).

Rewrote (a)1.

Recodified from N.J.A.C. 13:45B-14.5 and amended by R.2008 d.92, effective April 21, 2008.

See: 40 N.J.R. 91(b), 40 N.J.R. 2118(a).

In (a)1 and (a)2, updated the N.J.A.C. references; and in (a)1, inserted a comma following "application".

13:45B-13.6 Prohibited acts

(a) A health care service firm shall not:

1. Recruit or advertise for health care service staff, provide or offer to provide health care services to potential employees, or contract with a health care facility to provide health care services without first obtaining registration;

2. Charge a fee or a liquidated damage charge to any individual employed by the health care service or in connection with employment by the firm. If a fee or liquidated damage charge is imposed, the health care service firm shall obtain a license as an employment agency pursuant to N.J.A.C. 13:45B-2;

3. Prevent or inhibit, by contract, any of the individuals it employs from becoming employed by any other person. If the health care service firm charges an individual pursuant to such contract a fee when the individual becomes employed by any other person, the health care service firm shall obtain a license as an employment agency pursuant to N.J.A.C. 13:45B-2; or

4. Knowingly send individuals it employs to, or knowingly continue to render services to, any health care facility not under the jurisdiction of the National Labor Relations Board where a strike or lockout is in progress, for the purpose of replacing individuals who are striking or who are locked out.

Amended by R.2005 d.53, effective February 7, 2005.

See: 36 N.J.R. 2584(a), 37 N.J.R. 504(a).

Rewrote (a)1.

Recodified from N.J.A.C. 13:45B-14.6 by R.2008 d.92, effective April 21, 2008.

See: 40 N.J.R. 91(b), 40 N.J.R. 2118(a).

SUBCHAPTER 14. PLACEMENT OF HEALTH CARE PRACTITIONERS

13:45B-14.1 Definitions

As used in this subchapter, the following terms shall have the following meanings unless the context clearly indicates otherwise:

"Agency" means a health care service firm as defined in N.J.A.C. 13:45B-13.2 or an employment agency licensed pursuant to N.J.S.A. 34:8-47 and 48 and operating as a nurses' registry. Agency also means any holder of an employment

agency license who places or employs a health care practitioner.

"Health care practitioner" means an individual placed or employed by an agency for the purpose of rendering health care services, as defined in N.J.A.C. 13:45B-13.2, to an individual. Health care practitioner shall include, but not be limited to, an acupuncturist, athletic trainer, chiropractor, dentist, marriage counsellor, optometrist, orthotist, prosthetist, pharmacist, physician assistant, physician or surgeon, physical, occupational or speech therapist, podiatrist, psychologist, registered nurse, licensed practical nurse, nurse practitioner, a home health aide, a nurse's aide, respiratory therapist or social worker. The term shall also include an individual placed by an agency for the purpose of rendering health care services where a license under State law is not required.

"Health care practitioner supervisor" means a New Jersey licensed physician, or a registered nurse in good standing holding a Bachelor of Science degree in nursing and two years combined public health nursing and progressive professional responsibilities in public health nursing; or a registered nurse in good standing having three years combined public health nursing and progressive professional responsibilities in public health nursing.

"Home care setting" means the personal residence of a patient receiving services of a health care practitioner.

"Licensed" means holding any certification, registration or license required by law as a precondition to the practice of a regulated profession or occupation.

Amended by R.1995 d.568, effective November 6, 1995.

See: 27 N.J.R. 1366(a), 27 N.J.R. 4440(a).

Amended by R.2008 d.5, effective January 7, 2008.

See: 39 N.J.R. 1999(a), 40 N.J.R. 185(a).

In definition "Health care practitioner supervisor", substituted "or a registered nurse in good standing having three years combined public health nursing and progressive professional responsibilities in public health nursing" for "or three years combined public health nursing and progressive professional responsibilities in public health nursing".

Recodified from N.J.A.C. 13:45B-15.1 and amended by R.2008 d.92, effective April 21, 2008.

See: 40 N.J.R. 91(b), 40 N.J.R. 2118(a).

In definition "Agency", updated the N.J.A.C. reference; and in definition "Health care practitioner", updated the N.J.A.C. reference and deleted "or" following "home health aide,".

13:45B-14.2 Application form; minimum information required

(a) An agency shall create an application form for each applicant seeking placement or employment by or through the agency. The application form shall require the following minimum information:

1. The applicant's name, address and telephone number;
2. The applicant's Social Security Number;