

(c) The agency shall, through its health care practitioner supervisor or other designated individual, verify the license status of each individual to be placed or referred prior to the referral or placement. Licensure shall be verified by obtaining a document, which verifies licensure from the Board or Committee that registers or licenses the individual and, within 45 days of obtaining the verification, by personally inspecting the current biennial registration or license or a copy of the current biennial registration or license.

(d) The agency shall maintain a copy of the verification document that it has secured from the Board or Committee that registers or licenses the individual and a copy of the license or registration with the following notation conspicuously written across the entire face of the license: "COPY OF ORIGINAL NOT VALID FOR VERIFYING CURRENT LICENSURE STATUS."

(e) The agency shall maintain a record of licensure verification in which the following information is recorded:

1. The registrant's name and address;
2. The New Jersey board or agency issuing license or registration;
3. The license or registration number;
4. The period for which licensure or registration was issued;
5. The date of license inspection; and
6. The name of the individual making the inspection on behalf of the licensee.

(f) When the agency knows or has reason to know that the license of any health care practitioner placed or referred has been suspended, revoked or otherwise limited or restricted so as to preclude the rendering of the health care service for which employment or placement was intended, the agency shall verify the licensure status at the earliest possible time. Upon a determination that the license has been suspended, revoked or otherwise limited or restricted, the agency shall directly terminate the health care practitioner's employment and notify the individual or entity currently receiving services from the health care practitioner that the practitioner's authority to practice has been suspended or revoked.

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

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

Rewrote (c); and in (d), inserted "a copy of the verification document that it has secured from the Board or Committee that registers or licenses the individual and".

Recodified from N.J.A.C. 13:45B-15.4 by R.2008 d.92, effective April 21, 2008.

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

Former N.J.A.C. 13:45B-14.4, Firms registered prior to April 3, 1995 and meeting the definition of health care service firm, recodified to N.J.A.C. 13:45B-13.4.

13:45B-14.5 Duty to match credentials to need

(a) An agency shall make diligent inquiry of employers and applicants for employment in order to ascertain the relevant needs of the place of employment and the applicant's qualifications. An agency shall not place or refer an applicant whose qualifications do not reasonably match the needs and requirements of an employer.

(b) An agency shall create a job order for every position, or type of position within a single institution, for which a referral or placement is to be made. The following minimum information shall be entered on the job order:

1. A description of setting (for example, pediatrics, I.C.U., C.C.U., med-surg, home/residence of client);
2. The hours to be worked;
3. The title of position (for example, supervising nurse, staff nurse, charge nurse, clinical specialist);
4. Duties;
5. Special skills or certifications required;
6. Special equipment to be operated; and
7. Special employer policies or limitations to be required.

Petition for Rulemaking.

See: 35 N.J.R. 4144(b).

Recodified from N.J.A.C. 13:45B-15.5 by R.2008 d.92, effective April 21, 2008.

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

Former N.J.A.C. 13:45B-14.5, Registration renewal, recodified to N.J.A.C. 13:45B-13.5.

13:45B-14.6 Duty to verify work history

(a) Prior to placing or referring an applicant, an agency shall:

1. Verify the applicant's work history by confirming employment at all disclosed employment locations for the one year period prior to the date of the application; and
2. Inquire of all employers disclosed on the application form the reason for any termination, resignation or cessation of employment.

(b) The agency shall record the information required by (a) above and the name and title of the individual providing the information.

Recodified from N.J.A.C. 13:45B-15.6 by R.2008 d.92, effective April 21, 2008.

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

Former N.J.A.C. 13:45B-14.6, Prohibited acts, recodified to N.J.A.C. 13:45B-13.6.

13:45B-14.7 Homemaker-home health aides and agencies

(a) In order to place certified homeowner-home health aides, an agency regulated by the Division shall be licensed

as a health care service firm. If an agency regulated by the Division is not licensed as a health care service firm, it shall not place certified homemaker-home health aides.

(b) A health care service firm shall only refer or place actively certified homemaker-home health aides that are employed by the agency.

(c) A homemaker-home health aide employed by a health care service firm shall only perform tasks that have either been delegated to him or her by the health care practitioner supervisor or which the health care practitioner supervisor has directed the homemaker-home health aide to perform.

(d) The health care practitioner supervisor shall ensure that the homemaker-home health aide demonstrates that he or she is competent to perform the client care the health care practitioner supervisor delegates.

(e) The health care practitioner supervisor shall document in the patient's record every task that has been delegated to a homemaker-home health aide.

New Rule, R.2008 d.5, effective January 7, 2008.
See: 39 N.J.R. 1999(a), 40 N.J.R. 185(a).
Recodified from N.J.A.C. 13:45B-15.7 by R.2008 d.92, effective April 21, 2008.
See: 40 N.J.R. 91(b), 40 N.J.R. 2118(a).
Amended by R.2008 d.254, effective August 18, 2008.
See: 40 N.J.R. 1762(a), 40 N.J.R. 4819(a).
In (a), deleted "of Consumer Affairs" following "Division" twice.

13:45B-14.8 (Reserved)

13:45B-14.9 Duties relating to placements in home care settings

(a) Prior to referring or placing a health care practitioner in a home care setting, an agency shall assure that an appropriately licensed person evaluates the patient's needs and establishes, in writing, a plan of care. The health care practitioner preparing the plan of care shall sign it and indicate thereon his or her license designation.

(b) An agency shall make referrals or placements consistent with the level of care indicated in the plan of care.

(c) Unless the circumstances of the patient's care or another specific regulatory standard requires otherwise, the health care practitioner supervisor shall, not less than once during each 30-day period during which the health care practitioner is rendering services in the home care setting:

1. Inquire of the health care practitioner and such other persons as may be necessary whether the plan of care is adequate to meet the patient's needs; and

2. Make reasonable inquiry to determine whether the plan of care is being discharged appropriately by the health care practitioner.

(d) The health care practitioner supervisor shall record the responses received.

(e) If the responses indicate that the plan of care needs to be reassessed or revised, the health care practitioner supervisor shall ensure that an appropriately licensed person immediately reassesses or revises the plan.

(f) If the responses indicate that the health care practitioner is not discharging the plan of care appropriately, the agency shall immediately take necessary corrective action.

(g) The health care practitioner supervisor shall make an on-site, in home evaluation of the plan of care not less than once during each 60 day period during which the agency has placed or referred a health care practitioner in the home care setting.

(h) The agency shall maintain the original of the plan of care and any revised plan of care and shall give copies to the patient or the patient's representative.

Recodified from N.J.A.C. 13:45B-15.9 by R.2008 d.92, effective April 21, 2008.
See: 40 N.J.R. 91(b), 40 N.J.R. 2118(a).

SUBCHAPTER 15. ADVERTISING AND SOLICITATIONS

13:45B-15.1 Advertisements and solicitations

(a) All advertisements offering employment or personnel services or products shall include the advertiser's business name and address as they appear on the license or registration form of the licensed or registered firm. Advertisements for positions within the licensed or registered firm shall also include the advertiser's business name and address as they appear on the license or registration form of the firm. All advertisements shall contain the name and address as it appears on the license, and license number of the entertainment agency.

(b) No person shall misrepresent the identity of an individual or the identity of a company in an advertisement or in a personal, telephoned, telecopied, or mailed solicitation. All advertising and solicitations by any person must disclose the name of the company offering the employment services or products.

(c) Newspaper advertising pertaining to services offered or provided in this State by career consulting or outplacement organizations appearing within or adjacent to help-wanted advertising shall contain the phrase "not an employment agency" in a clear, conspicuous, prominent manner, and in no less than 10-point bold-face type, except that a classified advertisement shall contain the phrase in type no smaller than its text, and in all capital letters.

(d) Any advertising or solicitation for a booking agency shall contain the name, address, and license number of the booking agency.