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New Jersey Attorney General and Division of Consumer Affairs Announce Plans to Expand “Safe Care Cam” Program, Tighten Home Health Aides Rules to Enhance Protection of Elderly and Disabled

NEWARK – Continuing their efforts to protect elderly and disabled New Jerseyans from being abused or neglected by caregivers, Attorney General Christopher S. Porrino and the Division of Consumer Affairs today announced two initiatives designed to improve oversight of their supervision, including the expansion of New Jersey’s groundbreaking “Safe Care Cam” program.

In response to public requests, the Division’s new hidden-camera loan program is now open to residents who want to use the micro-surveillance equipment to keep an eye on loved ones in nursing homes and other institutional care facilities, not just in private homes, as the program was originally limited to. Extending Safe Care Cam’s reach into residential facilities permits more people to monitor how caregivers are treating their loved ones when they think no one is looking.

In another initiative designed to improve patient safety, the state will no longer allow applicants seeking certification as home health aides to begin working in homes before the Board of Nursing (“the Board”) has had an opportunity to review the results of their criminal history background checks.

New regulations proposed by the Board will eliminate a rule permitting Certified Home Health Aide (“CHHA”) applicants to work for up 120 days on conditional certifications pending the results of their criminal history background checks. CHHAs must now be fully vetted and certified by the Board before caring for patients.

“At a time when the home healthcare industry is experiencing explosive growth and the issue of patient abuse has become a national concern, New Jersey must do everything it can to ensure the safety of its most vulnerable citizens – the elderly and disabled,” said Attorney General Porrino. “By expanding the Safe Care Cam program and eliminating

conditional certifications, we're not only enhancing oversight of caregivers, we're advancing New Jersey's role as a leader in the nation's efforts to prevent patient abuse."

"New Jersey families deserve assurances that the person spending hours alone caring for their loved one has a clean criminal record and is performing their caregiver duties with the respect and kindness every patient deserves," said Steve Lee, Director of the Division of Consumer Affairs. "Our initiatives today are designed to provide families with increased peace of mind that their loved ones are safe and in good hands."

"Safe Care Cam" Program Expansion

The Safe Care Cam program was launched in December 2016 to address New Jersey's growing concerns about patient abuse. Those fears, being played out across the nation, have been fueled by increased media accounts of caregivers caught on hidden cameras physically or verbally assaulting their charges.

Recognizing the growing role that surveillance equipment plays in protecting patients from abuse, and recognizing that quality cameras can run as high as \$300, Attorney General Porrino and the Division launched the Safe Care Cam program to make cameras and memory cards available on loan for free to New Jersey residents who suspect their loved ones are being mistreated or neglected by an in-home caregiver.

To protect the integrity of the program, the Division is not disclosing how many cameras it purchased for the Safe Care Cam program, or how many are currently in use around the state. But requests for the equipment have been steady and the feedback from participants has been positive:

- One woman who borrowed the camera to monitor her mother's in-home care, said she had looked into purchasing a "Nanny Cam" but found the cost prohibitive. In a glowing review of the program, the woman said being able to borrow surveillance equipment from the Safe Care Cam program allowed her to see the level of care her mother received from her home health aides. Although her mother was not being mistreated, one of the aides was "whisking" the elderly woman out of bed instead of using the appropriate body mechanics. The correct procedure was kindly explained to the aide, and her mother's care improved. The woman said the Safe Care Cam provided "insight to what really goes on when nobody is supposedly watching" and gave her family reassurance that their mother was receiving the care they had hoped and expected she would.
- Another woman said the program gave her a great sense of relief and comfort after seeing how well her dying husband was cared for. She expressed gratitude to the State for providing the cameras to families at no cost.
- One camera user found reason to switch her mother's caregiver. While the camera did not reveal any abuse, it showed her mother was not receiving competent care. By contract, the elderly woman was supposed to be assisted out of bed and escorted to the bathroom, which the aide was not doing. The family requested that the home healthcare agency provide a different aide, and the new employee is providing competent care, the woman said.

Until now, requests to borrow Safe Care Cams for use anywhere but in private homes have been denied. Now the Division is allowing the cameras to be used to monitor the

care of patients living in nursing homes, assisted-living facilities, residences for the developmentally disabled, and other care facilities.

Elimination of “Conditional Certifications” for CHHAs

CHHAs are employees of private health care service firms who work under the direction of registered professional nurses to provide health-related or personal care services in the homes of clients who are elderly, sick, or disabled.

In order to become certified by the Board of Nursing, CHHAs must successfully complete a required training program, a competency evaluation and a criminal history background check. CHHAs are the only professionals licensed or certified by one of the Boards of the Division of Consumer Affairs, other than pharmacy technicians, who have been permitted to practice their profession before a criminal history background check is completed.

In New Jersey, the growing demand for in-home care has been answered primarily by the state’s Certified Homemaker-Home Health Aides (CHHAs), who work under the direction of registered professional nurses to provide health-related or personal care services in the homes of clients who are elderly, sick, or disabled. In the last decade the number of CHHAs certified to work in the state has increased from 26,618 to 58,700. As the number of CHHAs grows, and more homes open their doors to them, the potential for abuse and other patient-related crimes increases.

While the vast majority of CHHAs provide compassionate, appropriate care, data indicates that incidents of disciplinary actions against them have been rising. In 2016, the State Board of Nursing revoked, suspended, or otherwise disciplined 307 CHHAs for alleged criminal activities on or off the job. Those crimes include criminal sexual contact, assault, theft, and stolen identity. Those statistics represent a significant increase from 2015, when 207 CHHAs were disciplined, and from 2014, when nearly 140 were disciplined. While not all of the alleged crimes were committed against patients, they indicate a rise in dangerous behaviors that could put patients at risk.

Eliminating conditional certifications ensures that all CHHAs entering homes have been screened for criminal convictions that would disqualify them from certification. The new regulations will be subject to administrative review and public comment before they can take effect.

Individuals who wish to participate in the Safe Care Cam program can call **973-504-6375** and leave a message in a voice mailbox that will be regularly monitored by Division staff responsible for the day-to-day operation of the program. Or they can call the Division on its toll-free line below and follow the voice prompts to leave a message.

Patients who believe that they have been treated by a licensed health care professional in an inappropriate manner can file an online complaint with the State Division of Consumer Affairs by visiting its [website](#) or by calling **1-800-242-5846** (toll free within New Jersey) or **973-504- 6200**.