

[Second Reprint]

ASSEMBLY, No. 5516

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED JUNE 5, 2023

Sponsored by:

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Co-Sponsored by:

**Assemblywoman McKnight, Assemblyman Moen, Assemblywoman Jaffer,
Assemblyman Schaer, Assemblywomen Park, Speight, Jasey and Pintor
Marin**

SYNOPSIS

Requires certain health care professionals to undergo bias training.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on December 18, 2023, with amendments.



(Sponsorship Updated As Of: 1/8/2024)

1 AN ACT concerning health care professionals and supplementing
2 Title 45 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. a. As used in this section:

8 "Cultural competency" refers to the ability to interact effectively
9 with people of different cultures, socio-economic status, gender,
10 races, ethnic backgrounds, religions, and other diversity categories
11 in a manner that recognizes, affirms, and values the worth of
12 individuals, families, and communities and protects and preserves
13 the dignity of each.

14 "Implicit bias" ²**[**refers to the attitudes or stereotypes that affect
15 understanding, actions, and decisions in an unconscious manner**]**
16 means a bias in judgment or behavior that results from subtle
17 cognitive processes, including implicit prejudice and implicit
18 stereotypes, that often operate at a level below conscious awareness
19 and without intentional control².

20 b. ¹(1)¹ Any health care professional licensed or certified
21 pursuant to Title 45 of the Revised Statutes who provides in-home
22 health care services, ²**[**other than**]** including² a homemaker-home
23 health aide, shall be required to complete one credit of ¹continuing
24 education¹ ²in² cultural competency and implicit bias training,
25 within one year following the effective date of this act and
26 biennially thereafter.

27 ¹(2) A health care professional ²**[**, who provides in-home health
28 care services, other than a homemaker-home health aide,**]** to whom
29 paragraph (1) of this subsection applies² shall complete cultural
30 competency and implicit bias training on scheduled work time and
31 be compensated by his or her employer for the training at the
32 appropriate rate of pay.¹

33 c. The cultural competency and implicit bias training curriculum
34 ¹**[**shall be developed by the Department of Health, in consultation
35 with relevant professional organizations, which**]**¹ shall include, but
36 ²**[**shall**]** need² not be limited to:

37 (1) identification and understanding of implicit biases and
38 stereotypes related to race, ethnicity, religion, sexual orientation,
39 gender identity, and disability;

40 (2) communication techniques that account for potential impacts
41 of implicit biases;

42 (3) strategies for recognizing and mitigating unconscious biases
43 in healthcare decision-making processes ², care, or treatment²;

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:

¹Assembly AHE committee amendments adopted December 11, 2023.

²Assembly AAP committee amendments adopted December 18, 2023.

1 (4) ²review of applicable federal and State laws regarding
2 discrimination in health care services;
3 (5) ²cultural awareness and cultural competence in healthcare;
4 and
5 ²(6) (5)² understanding health disparities and social
6 determinants of health.
7 ²d. The ¹Department of Health Division of Consumer Affairs
8 in the Department of Law and Public Safety¹ shall develop and
9 maintain an electronic database to record compliance with this
10 section. ²

11
12 ²2. a. As used in this section:

13 "Cultural competency" refers to the ability to interact effectively
14 with people of different cultures, socio-economic status, gender, races,
15 ethnic backgrounds, religions, and other diversity categories in a
16 manner that recognizes, affirms, and values the worth of individuals,
17 families, and communities and protects and preserves the dignity of
18 each.

19 "Implicit bias" refers to the attitudes or stereotypes that affect
20 understanding, actions, and decisions in an unconscious manner.

21 b. ¹(1)¹ A homemaker-home health aide who provides in-home
22 health care services shall be required to complete one credit of
23 continuing education¹ cultural competency and implicit bias training,
24 within one year following the effective date of this act and biennially
25 thereafter.

26 ¹(2) A homemaker-home health aide shall complete cultural
27 competency and implicit bias training on scheduled work time and be
28 compensated by his or her employer for the training at the appropriate
29 rate of pay.¹

30 c. The cultural competency and implicit bias training curriculum
31 ¹shall be developed by the Department of Health, in consultation with
32 relevant professional organizations, which ¹ shall include, but shall
33 not be limited to:

34 (1) identification and understanding of implicit biases and
35 stereotypes related to race, ethnicity, religion, sexual orientation,
36 gender identity, and disability;

37 (2) communication techniques that account for potential impacts
38 of implicit biases;

39 (3) strategies for recognizing and mitigating unconscious biases in
40 healthcare decision-making processes;

41 (4) review of applicable federal and State laws regarding
42 discrimination in health care services;

43 (5) cultural awareness and cultural competence in healthcare; and

44 (6) understanding health disparities and social determinants of
45 health.

1 d. The ¹~~Department of Health~~ Division of Consumer Affairs in
2 the Department of Law and Public Safety¹ shall develop and maintain
3 an electronic database to record compliance with this section.²

4
5 ²~~[3.] 2.~~² The Director of the Division of Consumer Affairs in
6 the Department of Law and Public Safety ¹~~and the Commissioner~~
7 ~~of Health~~¹ ²~~shall~~ may² adopt rules and regulations, ²which shall
8 be effective immediately upon filing with the Office of
9 Administrative Law for a period not to exceed 18 months and shall
10 thereafter be adopted² in accordance with the “Administrative
11 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), as are
12 necessary to effectuate the provisions of this act.

13
14 ²~~[4.] 3.~~² This act shall take effect ²~~[90]~~ 180² days following
15 enactment.