

**HCANJ BUSINESS MEETING
LEGISLATIVE AND REGULATORY UPDATE
June 9, 2021**

1. Rule Adoptions

- **The New Jersey State Board of Nursing has adopted without change amendments at N.J.A.C. 13:37-2.1 , 2.2 , 2.3 , 7.1 , and 9.3; and new rules N.J.A.C. 13:37-2.4 and 8.4 governing the Nurse Licensure Compact.**

The amendments at N.J.A.C. 13:37-2.1, 2.2, and 2.3 require new applicants for licensure to indicate whether they seek a license with multistate privileges or one without such privileges. Existing registered professional nurses and licensed practical nurses need to apply to the Board for multistate privileges if they seek to work in other states under the Compact.

New N.J.A.C. 13:37-2.4 establishes application requirements to obtain multistate privileges. Applicants must submit an application that indicates that the nurse is not participating in New Jersey's Alternative to Discipline Program and that New Jersey is the nurse's primary state of residence. Applicants are also required to submit an authorization for a criminal history background check and the application fee.

The amendments at N.J.A.C. 13:37-7.1 and 9.3 clarify that multistate privileges as a registered professional nurse in a Compact member state will satisfy registered professional nurse licensure requirements contained at N.J.A.C. 13:37-7.1 and 9.3.

New rule N.J.A.C. 13:37-8.4 incorporate by reference the Interstate Commission of Nurse Licensure Compact Administrators rules that address sharing of licensure and disciplinary information between Compact states, implementation requirements for states entering the Compact, member state responsibilities for licensure, and responsibilities of nurses licensed by member states to obtain a new home license if they move to another Compact state.

Notice of this adoption appears in the May 17, 201 *New Jersey Register* at 53 N.J.R. 936(b), with the effective date May 17, 2021.

2. Rule Proposals

- None to report.

3. Public Notices

- **The Department of Health published notice of cancelation of the certificate of need (CN) call for applications for additional specialized long-term care beds for severe behavior management scheduled for January 2, 2021.**

This notice of cancelation appears in the May 17, 201 *New Jersey Register* at 53 N.J.R. 953(a).

4. Legislation Acted Upon by Governor

Bill: A4477 AcaAa (2R)
Sponsors: Chiaravalloti (D31); Conaway (D7); Downey (D11); Vitale (D19); Weinberg (D37) +20
Summary: Revises licensure, operational, and reporting requirements for nursing homes.
Related: 2020:S2789
History: 07/30/2020—Introduced and referred to Assembly Senior Services Committee.
 10/08/2020—Reported out of committee, referred to Assembly Appropriations Committee.
 10/26/2020—Reported with committee amendments, 2nd reading in Assembly.
 03/01/2021—Amended on Assembly floor, 2nd reading in Assembly (Johnson).
 03/25/2021—Passed in Assembly 72-0-0. Received in Senate w/o committee reference, 2nd reading in Senate. Substituted for S-2789 (2R). Passed in Senate and sent to Governor 37-0.
05/12/2021—Signed by the Governor P.L.2021, c.95.
Position: Oppose

Bill: S3145 Sca (1R)
Sponsors: Greenstein (D14); Pou (D35); Vainieri Huttle (D37); Johnson (D37); Downey (D11)
Summary: Concerns names required on applications for professional and occupational licensure.
Related: 2020:A2308
History: 11/05/2020—Introduced and referred to Senate Commerce Committee.
 01/21/2021—Reported with committee amendments, 2nd reading in Senate.
 03/25/2021—Passed in Senate 35-0. Received in Assembly w/o committee reference, 2nd reading in Assembly. Substituted for A-2308 (1R). Passed in Assembly and sent to Governor 73-0-0.
05/11/2021—Signed by the Governor P.L.2021, c.88.
Position: Monitor

5. Legislation on Governor's Desk

Bill: S3032
Sponsors: Sweeney (D3); Vitale (D19); Benson (D14); Vainieri Huttle (D37); Chiaravalloti (D31) +22
Summary: Requires DOH to develop Statewide plan for infection control and prevention infrastructure improvements in nursing homes.
Related: 2020:A4855
History: 10/19/2020—Introduced to Senate Health, Human Services & Senior Citizens Comm.
 01/14/2021—Reported out of committee, 2nd reading in Senate. Referred to Senate Budget and Appropriations Committee.
 03/22/2021—Reported out of committee, 2nd reading in Senate.
 03/25/2021—Passed Senate 37-0. Received in Assembly Appropriations Committee.
 05/18/2021—Reported out of committee, 2nd reading in Assembly.
05/20/2021—Substituted for A-4855. Passed in Assembly and sent to Governor 74-0-0.
Position: Monitor

6. Legislative Activity

- Bill:** A1058 Aca (1R)
Sponsors: Jasey (D27); Reynolds-Jackson (D15); Murphy (D7) +8
Summary: Requires discrimination prevention training for certain providers of services to senior citizens.
Related: 2020:S3552; 2018:A4427
History: 01/14/2020—Introduced and referred to Assembly Senior Services Committee.
 12/07/2020—Reported out of committee with committee amendments, referred to Assembly Appropriations Committee.
 03/17/2021—Reported out of committee, 2nd reading in Assembly.
05/20/2021—Passed in Assembly 73-1-2.
 06/01/2021—Received in Senate and referred to Senate Health, Human Services and Senior Citizens Committee.
- Position:** Monitor
Notes: Requires gender identity/sexual orientation discrimination training for new facility employees.
- Bill:** A2649
Sponsors: Vainieri Huttle (D37); Speight (D29); McKnight (D31) +1
Summary: Requires nursing homes to provide training to staff in behavioral health issues.
Related: 2020:S892; 2018:A3064; 2018:S938; 2016:A2269; 2016:S841; 2014:A1081; 2014:S1817; 2012:A1003; 2010:A3516
History: 02/13/2020—Introduced and referred to Assembly Senior Services Committee.
 06/02/2021—Reported out of committee, 2nd reading in Assembly.
- Position:** Oppose
- Bill:** A4430 AcaAaAaAa (4R)
Sponsors: Conaway (D7); Vainieri Huttle (D37); McKnight (D31) +15
Summary: Revises requirements for long-term care facilities to establish outbreak response plans.
Related: 2020:S2798
History: 07/20/2020—Introduced and referred to Assembly Health Committee.
 10/22/2020—Reported with committee amendments, 2nd reading in Assembly.
 10/29/2020—Amended on Assembly floor, 2nd reading in Assembly (Johnson).
 03/25/2021—Amended on Assembly floor, 2nd reading in Assembly (Johnson).
06/03/2021—Amended on Assembly floor, 2nd reading in Assembly (Johnson).
- Position:** Seek Amendments
Notes: June 3 amendments maintain requirement for nursing homes to engage infectious disease fellowship doctor, which prior amendments permit to be retained on a consultative basis. Infection preventionists requirement also remains and at least on a part-time basis for nursing facilities. Deadline to hire IP extended from October 1, 2021 to February 1, 2022. Waiver added for good faith effort but failure to find IP. Comprehensive personal care homes, residential health care facilities and dementia care homes moved from nursing facility requirements to separate assisted living provisions section. Requirement for these facilities to hire at least part time for individual facilities and full-time for up to five co-owned facilities. Deadline to hire IP extended from October 1, 2021 to February 1, 2022. Waiver added for good faith effort but failure to find IP.

- Bill:** S2798 AcaAaAaAa (4R)
Sponsors: Vitale (D19); Ruiz (D29) +2
Summary: **Revises requirements for long-term care facilities to establish outbreak response plans.**
Related: 2020:A4430
History: 08/03/2020—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.
08/25/2020—Reported out of committee, 2nd reading in Senate.
08/27/2020—Passed in Senate 39-0.
09/14/2020—Received in Assembly and referred to Assembly Health Committee.
10/22/2020—Reported out of committee with committee amendments, 2nd reading in Assembly.
10/29/2020—Amended on Assembly floor, 2nd reading in Assembly (Johnson).
03/25/2021—Amended on Assembly floor, 2nd reading in Assembly (Johnson).
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- Bill:** A4559 Aca (1R)
Sponsors: Downey (D11) +2
Summary: **Provides that certain civil immunities granted to for-profit healthcare facilities and healthcare systems during state of emergency and public health emergency would expire August 31, 2020.**
Related: 2020:S3804
History: 08/24/2020—Introduced and referred to Assembly Health Committee.
05/17/2021—Reported with committee amendments, 2nd reading in Assembly.
Position: Oppose
- Bill:** A4855
Sponsors: Benson (D14); Vainieri Huttel (D37); Chiaravalloti (D31) +17
Summary: **Requires DOH to develop Statewide plan for infection control and prevention infrastructure improvements in nursing homes.**
Related: 2020:S3032
History: 10/19/2020—Introduced and referred to Assembly Senior Services Committee.
12/07/2020—Reported out of committee, referred to Assembly Appropriations Committee.
05/18/2021—Reported out of committee, 2nd reading in Assembly.
05/20/2021—Substituted by S-3032.
Position: Monitor

Bill: A5059 AcaAcaAa (3R)

Sponsors: Conaway (D7); Vainieri Huttle (D37); Benson (D14); Sweeney (D3); Vitale (D19)
+9

Summary: Requires DOH to establish certain nursing education and professional advancement programs.

Related: 2020:A4854; 2020:S3031

History: 11/19/2020—Introduced and referred to Assembly Health Committee.
12/10/2020—Reported out of committee with committee amendments, referred to Assembly Appropriations Committee.
02/24/2021—Reported out of committee with committee amendments, 2nd reading in Assembly.
03/25/2021—Amended on Assembly floor, 2nd reading in Assembly (Johnson).
05/20/2021—Passed in Assembly 75-0-0.
06/01/2021—Received in Senate w/o committee reference, 2nd reading in Senate.
06/03/2021—Substituted for S-3031 (2R). Passed in Senate and sent to Governor 38-0.

Position: Support

Notes: Establishes a pilot program to develop standards for a 12-month post-acute care residency program for registered nurses. with a post-acute care curriculum, post-acute care clinical work focused on technical skills and subspecialty training, and a professional development curriculum; and assign residents to designated mentors who are employed by post-acute care facilities.

The bill provides that the DOH is to develop and offer a five-day infection prevention course to certified nurse aides and registered nurses to prepare certified nurse aides and registered nurses to perform infection prevention duties in a health care facility.

Bill: A5353 Aca (1R)

Sponsors: Conaway (D7); Vainieri Huttle (D37); Benson (D14); Madden (D4); Turner (D15)
+8

Summary: Provides for certification of temporary nurse aides.

Related: 2020:S3421

History: 02/22/2021—Introduced and referred to Assembly Health Committee.
03/08/2021—Reported out of committee with committee amendments, 2nd reading in Assembly.
03/25/2021—Passed in Assembly 72-0-0.
04/26/2021—Received in Senate and referred to Senate Health, Human Services and Senior Citizens Committee.
05/06/2021—Reported out of committee, 2nd reading in Senate.
06/03/2021—Substituted for S-3421 (1R). Passed in Senate and sent to Governor 38-0.

Position: Support

Bill: A5675
Sponsors: Vainieri Huttle (D37); McKnight (D31); Benson (D14) +2
Summary: Requires long-term care facility to post certain information on its Internet website regarding Office of State Long-Term Care Ombudsman.
History: 05/12/2021—Introduced and referred to Assembly Health Committee.
06/01/2021—Transferred to Assembly Senior Services Committee.
06/02/2021—Reported out of committee, 2nd reading in Assembly.
Position: Review
Notes: Requires long-term care facilities to post on its Internet website information regarding the Office of the State Long-Term Care Ombudsman (ombudsman), which shall include information on the general duties of the ombudsman, the role of the ombudsman in advocating for the residents of the long-term care facility, and the ombudsman’s contact information.

Bill: A5820
Sponsors: Coughlin (D19); Chiaravalloti (D31); Sweeney (D3)
Summary: Provides for termination of public health emergency declared by Governor to address COVID-19 pandemic, except certain executive orders, directives, and powers will remain in effect temporarily.
Related: 2020:S3866
History: 06/01/2021—Introduced, 1st reading w/o committee reference, 2nd reading in Assembly.
06/03/2021—Motion to amend on Assembly floor. Motion to table bill 44-27-0 (Greenwald). Passed in Assembly 44-28-0. Received in Senate w/o committee reference, 2nd reading in Senate. Substituted for S-3866. Motion to amend on Senate floor. Motion to table bill 21-15. **Passed in Senate and sent to Governor 21-16.**
Position: Monitor

7. Legislation Introduced

Bill: A5520
Sponsors: Vainieri Huttle (D37); McKnight (D31); Benson (D14) +3
Summary: Increases income eligibility limits for PAAD program and Senior Gold Prescription Discount Program by \$10,000.
Related: 2020:S3633
History: 03/22/2021—Introduced and referred to Assembly Senior Services Committee.
06/02/2021—Reported out of committee, referred to Assembly Budget Committee.
Position: Monitor
Bill: A5739
Sponsors: Mukherji (D33) +1
Summary: Clarifies that any State entity that issues professional or occupational licenses will not require individuals to demonstrate lawful presence in New Jersey to obtain professional or occupational licensure.
Related: 2020:S3700
History: 05/17/2021—Introduced to Assembly Regulated Professions Committee.
Position: Monitor

Bill: A5809

Sponsors: Vainieri Huttle (D37); McKnight (D31)

Summary: Concerns paid leave bereavement.

History: 06/01/2021—Introduced and referred to Assembly Labor Committee.

Position: Review

Bill: A5837

Sponsors: Vainieri Huttle (D37)

Summary: Permits use of automated dispensing devices in long-term care facilities and hospice care programs.

Related: 2020:S3833

History: 06/03/2021—Introduced and referred to Assembly Health Committee.

Position: Review

Bill: S3700

Sponsors: Pou (D35)

Summary: Clarifies that any State entity that issues professional or occupational licenses will not require individuals to demonstrate lawful presence in New Jersey to obtain professional or occupational licensure.

Related: 2020:A5739

History: 04/26/2021—Introduced and referred to Senate Commerce Committee.

05/13/2021—Reported out of committee, 2nd reading in Senate.

Position: Monitor

Bill: S3731

Sponsors: Gill (D34)

Summary: Ends civil immunity provided to certain health care professionals and health care facilities related to coronavirus disease 2019 (COVID-19) response.

History: 05/11/2021—Introduced and referred to Senate Judiciary Committee.

Position: Oppose

Bill: S3804

Sponsors: Vitale (D19)

Summary: Provides that certain civil immunities granted to for-profit healthcare facilities and healthcare systems during state of emergency and public health emergency would expire August 31, 2020.

Related: 2020:A4559

History: 05/20/2021—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.

Position: Oppose

Bill: S3820

Sponsors: Sweeney (D3)

Summary: Provides for termination of public health emergency declared by Governor to address COVID-19 pandemic.

Related: 2020:A5777

History: 05/20/2021—Introduced, 1st reading w/o committee reference, 2nd reading in Senate.

Position: Monitor

Bill: S3827

Sponsors: Weinberg (D37)

Summary: Provides temporary paid earned sick leave to workers during coronavirus disease 2019 pandemic.

History: 06/01/2021—Introduced and referred to Senate Labor Committee.

Position: Review

Bill: S3833

Sponsors: Gopal (D11)

Summary: Permits use of automated dispensing devices in long-term care facilities and hospice care programs.

Related: 2020:A5837

History: 06/01/2021—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.

Position: Review