

**HCANJ BUSINESS MEETING
LEGISLATIVE AND REGULATORY UPDATE
May 12, 2021**

1. Rule Adoptions

- None to report.

2. Rule Proposals

- **The Department of Human Services proposed new N.J.A.C. 10:49A to establish the Nursing Facility Patient Care Ratio.** The purpose of the chapter is to implement P.L. 2020, c. 89, which established expense ratio reporting and rebate requirements for nursing facilities. Under the proposed new rules, nursing facilities will pay a rebate to the Department, if less than 90 percent of the revenue received from the Department and its contracted managed care organizations is expended on the care of individual beneficiaries. State Fiscal Year 2022 will be the first reporting period upon which a rebate would be calculated.

Notice of this proposal appears in the April 19, 2021 *New Jersey Register* at 53 N.J.R. 605 (a). Written comments are due to the Division of Medical Assistance and Health Services by June 18, 2021.

- **The State Board of Physical Therapy Examiners has proposed new rule N.J.A.C. 13:39A-5.3(e) permitting applicants who do not pass the physical therapy licensing examination in three attempts to complete a 45-hour remediation course before taking the examination again.** An applicant who has completed the remediation course will be permitted to retake the licensing examination. If he or she does not pass the licensing examination, he or she will be required to retake the remediation course before any further attempts to pass the licensing examination.

Notice of this proposal appears in the April 19, 2021 *New Jersey Register* at 53 N.J.R. 616 (a). Written comments are due to the State Board of Physical Therapy Examiners by June 18, 2021.

3. Public Notices

- None to report.

4. Legislation Acted Upon by Governor

Bill: S2476

Sponsors: Singleton (D7); Addiego (D8); Murphy (D7); Giblin (D34); Verrelli (D15) +5

Summary: Concerns certain workers' compensation supplemental benefits for surviving dependents of essential employees who die in course of employment.

Related: 2020:A3998

History: 05/11/2020—Introduced and referred to Senate Budget and Appropriations Committee.
 06/11/2020—Reported out of committee, 2nd reading in Senate.
 06/15/2020—Passed in Senate 38-1. Received in Assembly and referred to Assembly Labor Committee.
 12/14/2020—Reported out of committee, referred to Assembly Appropriations Committee.
 02/24/2021—Reported out of committee, 2nd reading in Assembly.
 03/01/2021—Substituted for A-3998. Passed in Assembly and sent to Governor 55-12-3.
04/19/2021—Signed by the Governor P.L.2021, c.55.

Position: Monitor

Notes: Bill provides supplemental benefit payments to the dependents of essential employees who died in the course of employment due to the contraction of coronavirus disease 2019.

5. Legislation on Governor's Desk

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 out of committee 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.**

Position: Monitor

6. Legislative Activity

- Bill:** A1058 Aca (1R)
Sponsors: Jasey (D27); Reynolds-Jackson (D15); Murphy (D7) +3
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.
Position: Monitor
Notes: Requires gender identity/sexual orientation discrimination training for new facility employees.
- Bill:** A1075 Aca (1R)
Sponsors: Speight (D29); Vainieri Huttle (D37); DeAngelo (D14) +4
Summary: Requires DEP, DOH, DCA, owners or operators of public water systems, and owners or operators of certain buildings to take certain actions to prevent and control cases of Legionnaires' disease.
Related: 2020:S695; 2018:A5636; 2018:S3965
History: 01/14/2020—Introduced and referred to Assembly Environment and Solid Waste Committee.
03/15/2021—Reported out of committee with committee amendments, referred to Assembly Appropriations Committee.
- Bill:** A3110 Aca (1R)
Sponsors: McKeon (D27); Verrelli (D15); Vainieri Huttle (D37)
Summary: Establishes certain minimum and maximum temperatures in rooming and boarding houses, dementia care homes, and certain nursing homes and residential health care facilities.
Related: 2020:S537; 2018:A2942; 2018:S794; 2016:A2414; 2016:S368; 2014:A4111; 2014:S1961
History: 02/24/2020—Introduced and referred to Assembly Health Committee.
 01/13/2021—Reported out of committee with committee amendments, referred to Assembly Appropriations Committee.
03/17/2021—Reported out of committee, 2nd reading in Assembly.
Position: Monitor
Notes: Bill was amended in 216th session to narrow initially proposed temperature range to 65 through 81 degrees and to permit nursing facilities and residential health care facilities to comply with federal temperature range, 42 CFR 483.15 (h)(6).

Bill: A4430 AcaAaAa (3R)
Sponsors: Conaway (D7); Vainieri Huttle (D37); McKnight (D31) +11
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 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).
Position: Seek Amendments

Bill: A4790 Acs (ACS)
Sponsors: Downey (D11); Benson (D14)
Summary: Requires DHS to contract with third party entity to apply risk reduction model to Medicaid prescription drug services.
Related: 2020:S887
History: 10/08/2020—Introduced and referred to Assembly Human Services Committee.
03/17/2021—Reported out of committee with committee substitute, referred to Assembly Appropriations Committee.
Position: Monitor
Notes: Proposal is same as Senate version, which was amended to remove concern that bill could have been problematic if fee-for services requires mail order and/or 90 day supply of prescriptions for patients.

Bill: A4861 Aca (1R)
Sponsors: Vainieri Huttle (D37); Armato (D2); Verrelli (D15) +12
Summary: Requires DOH to publish total number of COVID-19 deaths and cases in long-term care facilities.
Related: 2020:S3041
History: 10/22/2020—Introduced and referred to Assembly Senior Services Committee.
 01/13/2021—Reported with committee amendments, 2nd reading in Assembly.
03/25/2021—Passed in Assembly 72-0-0.
 04/26/2021—Received in Senate w/o committee reference, 2nd reading in Senate.
Position: Monitor

Bill: A4864
Sponsors: Johnson (D37); Vainieri Huttle (D37); Spearman (D5) +8
Summary: Makes FY 2021 supplemental appropriation of \$210,000 to DHS for temporary 25 percent increase to certain assisted living facilities in Medicaid.
Related: 2020:S3351
History: 10/22/2020—Introduced and referred to Assembly Senior Services Committee.
 03/08/2021—Reported out of committee, referred to Assembly Appropriations Committee.
 03/17/2021—Reported out of committee, 2nd reading in Assembly.
03/25/2021—Passed in Assembly 64-6-3.
 04/26/2021—Received in Senate Health, Human Services and Senior Citizens Committee.
Position: Support

Bill: A5353 Aca (1R)
Sponsors: Conaway (D7); Vainieri Huttle (D37); Benson (D14) +7
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 with committee amendments, 2nd reading in Assembly.
 03/25/2021—Passed in Assembly 72-0-0.
 04/26/2021—Received in Senate Health, Human Services & Senior Citizens Comm.
05/06/2021—Reported out of committee, 2nd reading in Senate.
Position: Support

Bill: S537 Aca (1R)
Sponsors: Codey (D27) +3
Summary: Establishes certain minimum and maximum temperatures in rooming and boarding houses, dementia care homes, and certain nursing homes and residential health care facilities.
Related: 2020:A3110; 2018:A2942; 2018:S794; 2016:A2414; 2016:S368; 2014:A4111; 2014:S1961
History: 01/14/2020—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.
 08/25/2020—Reported out of committee. Referred to Senate Budget and Appropriations Committee. Reported out of committee.
 08/27/2020—Passed in Senate 39-0.
 09/14/2020—Received in Assembly and referred to Assembly Health Committee.
 01/13/2021—Reported out of committee with committee amendments, referred to Assembly Appropriations Committee.
03/17/2021—Reported out of committee, 2nd reading in Assembly.
Position: Monitor
Notes: Bill was amended in 216th session to narrow initially proposed temperature range to 65 through 81 degrees and to permit nursing facilities and residential health care facilities to comply with federal temperature range, 42 CFR 483.15 (h)(6).

Bill: S887 ScsSca (SCS/1R)
Sponsors: Sweeney (D3); Greenstein (D14) +1
Summary: Requires DHS to contract with third party entity to apply risk reduction model to Medicaid prescription drug services.
Related: 2020:A4790
History: 01/27/2020—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.
 09/14/2020—Reported out of committee with committee substitute, 2nd reading in Senate. Referred to Senate Budget and Appropriations Committee.
 01/21/2021—Reported with committee amendments, 2nd reading in Senate.
 01/28/2021—Passed in Senate 32-0.
 01/29/2021—Received in Assembly Human Services Committee.
03/17/2021—Reported out of committee, referred to Assembly Appropriations Committee.
Position: Monitor
Notes: Amendments remove concern that bill could have been problematic if fee-for services requires mail order and/or 90 day supply of prescriptions for patients.

Bill: S2798 AcaAaAa (3R)
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 to Senate Health, Human Services & Senior Citizens Com.
 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).
Position: Seek Amendments

Bill: S3031 ScaSa (2R)
Sponsors: Sweeney (D3); Vitale (D19) +2
Summary: Requires DOH to establish certain nursing education and professional advancement programs.
Related: 2020:A4854; 2020:A5059
History: 10/19/2020—Introduced to Senate Health, Human Services & Senior Citizens Com.
 01/14/2021—Reported with committee amendments. Referred to Senate Budget and Appropriations Committee.
03/22/2021—Reported out of committee, 2nd reading in Senate.
03/25/2021—Amended on Senate floor, 2nd reading in Senate 23-0 (Vitale).
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: S3032
Sponsors: Sweeney (D3); Vitale (D19) +5
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. Referred to Senate Budget and Appropriations Committee.
 03/22/2021—Reported out of committee, 2nd reading in Senate.
03/25/2021—Passed in Senate 37-0. Received in Assembly and referred to Assembly Appropriations Committee.
Position: Monitor

Bill: S3156 Scs (SCS)
Sponsors: Scutari (D22); Pou (D35); Vitale (D19)
Summary: Establishes "COVID-19 PCR Testing Transparency Act"; requires COVID-19 PCR test results to be provided within specific timeframes and regulates cost of COVID-19 PCR tests.
History: 11/05/2020—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.
05/06/2021—Reported out of committee with committee substitute, 2nd reading in Senate. Referred to Senate Budget and Appropriations Committee.
Position: No Position

Bill: S3421 Sca (1R)
Sponsors: Madden (D4); Turner (D15)
Summary: Provides for certification of temporary nurse aides.
Related: 2020:A5353
History: 02/09/2021—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.
05/06/2021—Reported out of committee with committee amendments, 2nd reading in Senate.
Position: Support

Bill: S3562
Sponsors: Singleton (D7); Corrado (R40) +1
Summary: Establishes "Registered Apprenticeship Program for State Agencies"; makes an appropriation.
Related: 2020:A1394; 2018:A3873; 2018:S2261
History: 03/18/2021—Introduced and referred to Senate Labor Committee.
05/06/2021—Reported out of committee, 2nd reading in Senate. Referred to Senate Budget and Appropriations Committee.
Position: Support

7. Legislation Introduced

Bill: A5557
Sponsors: Munoz (R21); Vainieri Huttle (D37)
Summary: Expands continuing education requirements for nurses.
History: 05/05/2021—Introduced and referred to Assembly Health Committee.
Position: Review

Bill: A5607
Sponsors: Scharfenberger (R13)
Summary: Prohibits discrimination against individuals who have not received COVID-19 vaccine.
Related: 2020:A5096; 2020:S3681
History: 05/05/2021—Proposed for introduction.
Position: Review

Bill: A5610
Sponsors: DiMaso (R13)
Summary: Prohibits State from requiring private businesses to confirm individuals received COVID-19 vaccine for entry.
Related: 2020:S3674
History: 05/05/2021—Proposed for introduction.
Position: Review

Bill: A5675
Sponsors: Vainieri Huttle (D37)
Summary: Requires long-term care facility to post certain information on its Internet website regarding Office of State Long-Term Care Ombudsman.
History: 05/05/2021—Proposed for introduction.
Position: Review

Bill: S3624
Sponsors: Schepisi (R39)
Summary: Waives requirement to attend in-person continuing education as a result of public health emergency.
Related: 2020:A4489
History: 04/19/2021—Introduced and referred to Senate Commerce Committee.
Position: Review

Bill: S3674
Sponsors: Testa (R1)
Summary: Prohibits State from requiring private businesses to confirm individuals received COVID-19 vaccine for entry.
Related: 2020:A5610
History: 04/26/2021—Introduced and referred to Senate Commerce Committee.
Position: Review

Bill: S3681
Sponsors: Holzapfel (R10)
Summary: Prohibits discrimination against individuals who have not received COVID-19 vaccine.
Related: 2020:A5096; 2020:A5607
History: 04/26/2021—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.
Position: Review

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: 05/06/2021—Proposed for introduction.
Position: Oppose