

**HCANJ BUSINESS MEETING
LEGISLATIVE AND REGULATORY UPDATE
November 10, 2021**

1. Rule Adoptions

- **The Department of Human Services Division of Medical Assistance and Health Services adopted new rule N.J.A.C. 10:49A to implement Nursing Facility Patient Care Ratio Requirements.** The rule was adopted with non-substantial changes to the original proposal.

Notice of this adoption appears in the October 18, 2021 *New Jersey Register* at 53 N.J.R. 1783(a). The effective date was October 18, 2021.

- **The Department of Human Services, Division of Medical Assistance and Health Services published notice of readoption of N.J.A.C. 10:72 concerning the Special Medicaid Programs Manual, which extends Medicaid eligibility to certain persons not eligible under the provisions 10:71, Medicaid Only beneficiaries.**

The Department recognizes that further rulemaking is necessary to update these rules to address ongoing changes to the program. To that end, the Department is preparing a notice of proposal with substantive amendments to this chapter to be published following this readoption, which is intended to prevent the chapter from expiring.

Notice of this adoption appears in the November 1, 2021 *New Jersey Register* at 53 N.J.R. 1846(a). The effective date was September 28, 2021.

2. Public Notices

- **The Department of Health published notice of its March 29, 2021 receipt of a petition for rule making requesting changes to N.J.A.C. 8:39-43.10 concerning criteria for eligibility of instructors/evaluators of nurse aide training programs.** The petition was submitted by HCANJ in conjunction with the New Jersey Hospital Association, Leading Age, the New Jersey Business and Industry Association along with county college and vocational school organizations.

The petition notes that State requirements for the eligibility of instructors/evaluators of nurse aide training programs are more stringent than the requirements of the Centers for Medicare and Medicaid Services and requests that the Department relax the requirements to mirror the nurse aide instructor requirements in the referenced Federal regulation. The objective is to establish more nurse aid training programs to address the workforce shortage.

Notice of receipt of this petition for rulemaking appears in the November 1, 2021 *New Jersey Register* at 53 N.J.R. 1866(a).

3. Legislation Acted Upon by Governor

- Bill:** A5353 Aca w/GR (2R)
- Sponsors:** Conaway (D7); 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. Passed in Senate and sent to Governor 38-0.
11/08/2021—Governor's conditional veto rcvd in Assembly. 1st reading in Assembly to concur with Governor's recommendations. 2nd reading in Assembly to concur with Governor's recommendations.
- Position:** Seek Amendment
- Note:** Conditional veto is unacceptable. Governor asked that temporary nurse aides have until January 11, 2022 to complete the eight-hour course and work 80 hours under the supervision of a licensed professional nurse, They would then have until February 16, 2022 to pass a State-approved clinical skills competency examination in addition to the written examination required in the bill. Governor proposed extending the deadline by which applicants must pass a background check until June 4, 2022.
- Bill:** S2559 ScaScaAcaAa (4R)
- Sponsors:** Gopal (D11); Gill (D34); Downey (D11); Conaway (D7); Benson (D14); Houghtaling (D11); Karabinchak (D18) +24
- Summary:** Revises requirements for health insurance providers and Medicaid to cover services provided using telemedicine and telehealth; appropriates \$5 million.
- Related:** 2020:A4179
- History:** 06/08/2020—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.
01/14/2021—Reported out of committee with committee amendments, 2nd reading in Senate. Referred to Senate Budget and Appropriations Committee.
03/22/2021—Reported out of committee with committee amendments, 2nd reading in Senate.
03/25/2021—Passed in Senate 37-0. Received in Assembly and referred to Assembly Appropriations Committee.
06/16/2021—Reported out of committee with committee amendments, 2nd reading in Assembly.
06/21/2021—Amended on Assembly floor, 2nd reading in Assembly (Johnson).
06/24/2021—Substituted for A-4179 (ACS/2R). Passed in Assembly 75-0-0.
06/28/2021—Received in Senate, 2nd reading in Senate to concur with Assembly amendments.
06/30/2021—Passed in Senate and sent to Governor 36-0.
11/08/2021—Governor's conditional veto rcvd in Senate.
- Position:** Support

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 and referred to Senate Health, Human Services and Senior Citizens Committee.
 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 in Senate 37-0. Received in Assembly and referred to Assembly Appropriations Committee.
 05/18/2021—Reported out of committee, 2nd reading in Assembly.
 05/20/2021—Substituted for A-4855. Passed Assembly and sent to Governor 74-0-0.
11/08/2021—Signed by the Governor
Position: Monitor

Bill: A5850 AcaAa (2R)
Sponsors: Armato (D2); Mazzeo (D2); Conaway (D7); Gopal (D11); Lagana (D38) +13
Summary: Requires DMVA veterans' memorial homes to hold quarterly town hall meetings with veterans' guardians.
Related: 2020:S3906
Status: 09/16/2021—Signed by the Governor P.L.2021, c.215.
Position: Monitor

Bill: A5851 Aca (1R)
Sponsors: Swain (D38); Tully (D38); Freiman (D16); Gopal (D11); Lagana (D38) +11
Summary: Allows veteran's guardian to remove veteran from DMVA veterans' memorial home under certain emergency circumstances.
Related: 2020:S3905
Status: 09/16/2021—Signed by the Governor P.L.2021, c.216.
Position: Monitor

Bill: A5852 Aca (1R)
Sponsors: Houghtaling (D11); Johnson (D37); Chaparro (D33); Gopal (D11); Lagana (D38) +9
Summary: Requires DMVA veterans' memorial homes to communicate with veterans' guardians via at least two communication means.
Related: 2020:S3904
Status: 09/16/2021—Signed by the Governor P.L.2021, c.217.
Position: Monitor

Bill: A5853 Aca (1R)
Sponsors: Danielsen (D17); Mejia (D32); Jimenez (D32); Diegnan (D18); Vitale (D19) +15
Summary: Requires administrator and assistant administrator at State veterans' memorial home have prior work experience in clinical setting.
Related: 2020:S3903
Status: 09/16/2021—Signed by the Governor P.L.2021, c.218.
Position: Monitor

Bill: A5854
Sponsors: Mazzeo (D2); Armato (D2); Chaparro (D33); Gopal (D11); Lagana (D38) +16
Summary: Requires position of resident advocate at each State veterans' memorial home.
Related: 2020:S3907
Status: 09/16/2021—Signed by the Governor P.L.2021, c.219.
Position: Monitor

Bill: A5855
Sponsors: Tucker (D28); Speight (D29); Vainieri Huttle (D37); Cruz-Perez (D5) +4
Summary: Requires DMVA veterans' facilities provide payroll-based journal information to NJ Long-Term Care Ombudsman.
Related: 2020:S3908
Status: 09/16/2021—Signed by the Governor P.L.2021, c.220.
Position: Monitor

4. Legislative Activity

Bill: A1058 AcaSca (2R)
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 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 Senate Health, Human Services and Senior Citizens Comm.
11/08/2021—Reported out of committee with committee amendments, 2nd reading in Senate. Referred to Senate Budget and Appropriations Committee.
Position: Monitor
Notes: Bill requires gender identity/sexual orientation discrimination training for new facility employees and was duplicative of PL. 2021 c. 33, which already requires long-term care facilities to ensure that the administrators and staff receive training, on at least a biennial basis, concerning: (1) caring for LGBTQI seniors and seniors living with HIV; and (2) preventing discrimination based on sexual orientation, gender identity or expression, intersex status, and HIV status. Bill was amended at HCANJ request to exempt LTC staff already trained pursuant to current law.

Bill: S3552 Sca (1R)
Sponsors: Codey (D27) +1
Summary: Requires discrimination prevention training for certain providers of services to senior citizens.
Related: 2020:A1058; 2018:A4427
History: 03/11/2021—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.
 11/08/2021—Reported with committee amendments. Referred to Senate Budget.
Position: Monitor

Bill: A2441
Sponsors: Benson (D14); Chiaravalloti (D31); Vainieri Huttle (D37) +1
Summary: Requires DHS to employ Transportation Planning Coordinator to manage and oversee transportation services provided to DHS clients.
Related: 2020:S1935; 2018:A5292; 2018:S3693
History: 02/03/2020—Introduced and referred to Assembly Transportation and Independent Authorities Committee.
11/08/2021—Reported out of committee, referred to Assembly Appropriations Committee.
Position: Support

Bill: S3833 Sca (1R)
Sponsors: Gopal (D11); Singleton (D7)
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.
11/08/2021—Reported out of committee with committee amendments, 2nd reading in Senate.
Position: Support

5. Legislation Introduced

Bill: A5952
Sponsors: Conaway (D7); Vainieri Huttle (D37)
Summary: Establishes cause of action for residents of assisted living facilities and comprehensive personal care home providers.
History: 11/08/2021—Introduced and referred to Assembly Health Committee.
Position: Oppose

Bill: A5984
Sponsors: Verrelli (D15)
Summary: Prohibits certain forms of discrimination in DOH policies concerning allocation of critical health care resources.
Related: 2020:S3846
History: 11/08/2021—Proposed for introduction.
Position: Review
Notes: Contains following provision:
 c. Any critical health care resource allocation policy developed by the department shall prohibit general acute care hospitals and nursing homes licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) from issuing do not resuscitate orders that apply to all patients or residents of the facility. Any do not resuscitate policy developed by a hospital or nursing home shall account for the treatment preferences of the patient or resident, to the extent they may be determined through an advance directive, POLST form, or other appropriate means.

Bill: S4032
Sponsors: Cruz-Perez (D5)
Summary: Authorizes provision of adult day health services on remote basis.
History: 11/08/2021—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.
Position: Review

Bill: S4035
Sponsors: Greenstein (D14)
Summary: Requires businesses in financial, essential infrastructure, and health care industries to develop cybersecurity plans.
History: 11/08/2021—Introduced and referred to Senate Law and Public Safety Committee.
Position: Review

Bill: S4036
Sponsors: Greenstein (D14)
Summary: Requires businesses in financial, essential infrastructure, and health care industries to report cybersecurity incidents.
History: 11/08/2021—Introduced and referred to Senate Law and Public Safety Committee.
Position: Review

Bill: S4048
Sponsors: Vitale (D19)
Summary: Requires contracts for sale of certain health care entities to preserve employee wages and benefits and to honor collective bargaining agreements.
Related: 2020:A6015
History: 11/08/2021—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.
Position: Review

Bill: A6015
Sponsors: DeAngelo (D14)
Summary: Requires contracts for sale of certain health care entities to preserve employee wages and benefits and to honor collective bargaining agreements.
Related: 2020:S4048
History: 11/08/2021—Proposed for introduction.
Position: Oppose