

**HCANJ BUSINESS MEETING  
LEGISLATIVE AND REGULATORY UPDATE  
December 6, 2023**

**1. Rule Adoptions**

- None to Report

**2. Rule Proposals**

- None to Report

**3. Health Care Administration Board Actions**

- None to Report

#### 4. Legislation Enacted

**Bill:** A4616

**Sponsors:** Moriarty (D4); Greenwald (D6); Jaffer (D16); Madden (D4); Pou (D35) +2

**Summary:** Allows passage of Certified Respiratory Therapist examination to qualify for licensure as respiratory therapist.

**Related:** 2022:S3157

**History:** 09/22/2022—Introduced to Assembly Regulated Professions Committee.  
01/12/2023—Reported out of committee, 2nd reading in Assembly.  
01/26/2023—Passed in Assembly 78-0-0. Received in Senate Commerce Committee.  
05/08/2023—Transferred to Senate Budget and Appropriations Committee.  
05/11/2023—Reported out of committee, 2nd reading in Senate.  
05/22/2023—Substituted for S-3157. Passed in Senate and sent to Governor 36-0.  
**11/20/2023—Signed by the Governor P.L.2023, c.176.**

**Position:** Support

**Bill:** S2369 ScaSca (2R)

**Sponsors:** Singer (R30); Madden (D4); Benson (D14); McKnight (D31); +12

**Summary:** Establishes minimum NJ FamilyCare reimbursement rate for traumatic brain injury special care nursing facilities; establishes enhanced NJ FamilyCare reimbursement rate for nursing facilities under certain circumstances; makes an appropriation.

**Related:** 2022:A4017

**History:** 03/24/2022—Introduced and referred to Senate Health Committee.  
01/19/2023—Reported with committee amendments. Referred to Senate Budget.  
06/27/2023—Reported with committee amendments, 2nd reading in Senate.  
06/30/2023—Passed in Senate 37-0. Received in Assembly w/o committee reference.  
Substituted for A-4017. Passed in Assembly and sent to Governor 77-0-0.  
**11/27/2023—Signed by the Governor P.L.2023, c.181.**

**Position:** Support

**Notes:** Establishes a minimum NJ FamilyCare reimbursement rate for traumatic brain injury special care nursing facilities of a base per diem reimbursement that is \$400 above the special care nursing facility's FY 2022 base per diem reimbursement rate.

The bill also establishes an enhanced NJ FamilyCare reimbursement rate (150 percent of base rate) for nursing facilities that voluntarily delicense beds in order to create single occupancy rooms. The enhanced rate is for single occupancy residents only.

#### 5. Legislative Activity

**Bill:** S4005 Sca (1R)

**Sponsors:** Burgess (D28) +1

**Summary:** Establishes Employer-Based Child Care Assistance Partnership Program in DCF.

**Related:** 2022:A5358

**History:** 06/26/2023—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.  
**11/30/2023—Reported with committee amendments. Referred to Senate Budget and Appropriations Committee.**

**Position:** Support

**Bill:** S3939  
**Sponsors:** Lagana (D38); Gopal (D11)  
**Summary:** Requires calculation of national average time needed to approve applications for initial credential in profession or occupation and use of average time as standard in New Jersey.  
**Related:** 2022:A5283  
**History:** 06/08/2023—Introduced and referred to Senate Commerce Committee.  
 12/04/2023— **Reported out of committee with committee amendments, second reading in Senate**  
**Position:** Support

## 6. Legislation Scheduled

**Bill:** A5179 Aca w/GR (2R) .  
**Sponsors:** Verrelli (D15); Murphy (D7); Benson (D14); Cruz-Perez (D5); Turner (D15) +4  
**Summary:** "Fire Life Safety Damper and Smoke Control System Inspection Verification Act"; Requires routine maintenance and periodic testing of smoke dampers, fire dampers, and smoke control systems in certain buildings by qualified personnel.  
**Related:** 2022:S3516  
**History:** 02/13/2023—Introduced and referred to Assembly State and Local Government Committee.  
 03/20/2023—Reported with committee amendments, 2nd reading in Assembly.  
 03/23/2023—Recommitted to Assembly Appropriations Committee. Reported out of committee, 2nd reading in Assembly.  
 03/30/2023—Passed in Assembly 74-0-0.  
 05/08/2023—Received in Senate w/o committee reference, 2nd reading in Senate.  
 06/26/2023—Substituted for S-3516. Passed in Senate and sent to Governor 36-0.  
 11/20/2023—**Governor's conditional veto rcvd in Assembly.**  
**Scheduled:** 12/07/2023—**Assembly Voting Session.**  
**Position:** Monitor  
**Notes:** Applies to newly installed smoke control systems.

- Requires active smoke control system to testing every six months; and
- Requires passive smoke control system testing every 12 months.

### Governor's CV Concerns:

- 1) Governor's CV conveyed concern that this bill is, in many ways, redundant of the requirements found in the Uniform Fire Code ("UFC") — which has been adopted and is enforced by the Division of Fire Safety ("DFS") in the Department of Community Affairs ("DCA") — and bypasses the standard process by which DFS updates the UFC.
- 2) The CV also noted that the UFC also already imposes larger penalties for noncompliance than those that would be imposed under the bill.
- 3) Finally, he expressed concern about requiring all building owners to submit compliance certificates with DCA, and subsequently requiring DCA to initiate enforcement actions for noncompliance. The CV noted that is out of step with the State's current fire protection regime, wherein local enforcing agencies are primarily responsible for inspections and enforcement, with the exception of certain jurisdictions where DFS has assumed the local agency's responsibilities.

**Bill:** A5225 AcaAca w/GR (3R)  
**Sponsors:** McKnight (D31); Speight (D29); Murphy (D7); Codey (D27); Pou (D35) +8  
**Summary:** Provides for coverage of community-based palliative care benefits under Medicaid.  
**Related:** 2022:S3729  
**History:** 02/23/2023—Introduced and referred to Assembly Senior Services Committee.  
 03/20/2023—Reported out of committee with committee amendments, referred to Assembly Health Committee.  
 05/18/2023—Reported out of committee with committee amendments, referred to Assembly Appropriations Committee.  
 06/22/2023—Reported out of committee, 2nd reading in Assembly.  
 06/30/2023—Passed in Assembly 78-0-0. Received in Senate w/o committee reference, 2nd reading in Senate. Substituted for S-3729 (2R). Passed in Senate and sent to Governor 36-0.  
 11/20/2023—Governor's conditional veto rcvd in Assembly.  
**Scheduled:** 12/07/2023—Assembly Voting Session.  
**Position:** Support  
**Notes:** Governor's CV concerns: The governor indicated that his only concern with this bill is that it takes effect immediately, presupposing that DHS would be able to offer the benefit in a very short time frame. Adding any new form of coverage to Medicaid takes a substantial commitment of time and resources, including investigating and designing the benefit, building out the information technology infrastructure, and, critically, securing the federal approvals and financial participation necessary to reduce State costs.

**Bill:** A5248 Aca (1R)  
**Sponsors:** Stanley (D18); Atkins (D20); Sampson (D31) +2  
**Summary:** Regulates provision of pharmaceutical services in nursing homes.  
**Related:** 2022:S3609  
**History:** 02/28/2023—Introduced and referred to Assembly Health Committee.  
 11/20/2023—Reported out of committee with committee amendments, 2nd reading in Assembly.  
**Scheduled:** 12/07/2023—Assembly Voting Session.  
**Position:** Monitor  
**Notes:** Bill was amended at HCANJ request to exclude assisted living facilities, and others, limiting bill to only nursing homes.

## 7. Legislation Introduced

**Bill:** A5703  
**Sponsors:** Sumter (D35); McKnight (D31); Haider (D37)  
**Summary:** Concerns temporary disability insurance and family leave insurance benefits.  
**Related:** 2022:S4054  
**History:** 11/20/2023—Introduced and referred to Assembly Labor Committee.  
**Position:** Review  
**Notes:** Expands access to temporary disability insurance and family leave insurance benefits.

**Bill:** A5705  
**Sponsors:** DeAngelo (D14); Reynolds-Jackson (D15); Verrelli (D15)  
**Summary:** Requires owners or operators of public community water systems to perform certain tests for Legionella bacteria.

**Related:** 2022:S4090

**History:** 11/20/2023—Introduced to Assembly Environment and Solid Waste Committee.

**Position:** Support because of A5706 and S4089, which impose testing requirement on ALRs and NFs.

**Bill:** A5706

**Sponsors:** DeAngelo (D14); Speight (D29); Benson (D14)

**Summary:** Requires owners of certain buildings to test drinking water for Legionella bacteria.

**Related:** 2022:S4089

**History:** 11/20/2023—Introduced to Assembly Environment and Solid Waste Committee.

**Position:** Review

**Notes:** Oppose?

**Bill:** A5753

**Sponsors:** Conaway (D7)

**Summary:** Requires certain health care facilities to institute COVID-19 vaccine policy for employees.

**History:** 11/30/2023—Introduced and referred to Assembly Health Committee.

**Position:** Oppose

**Bill:** A5757

**Sponsors:** Conaway (D7)

**Summary:** Revises reimbursement payments for providers using telemedicine and telehealth.

**Related:** 2022:S4127

**History:** 11/30/2023—Introduced and referred to Assembly Health Committee.

**Position:** Review

**Bill:** A5790

**Sponsors:** Conaway (D7)

**Summary:** Removes exemption from law regulating patient referrals.

**Related:** 2022:S4120

**History:** 11/30/2023—Introduced and referred to Assembly Health Committee.

**Position:** Review

**Bill:** A5830

**Sponsors:** Greenwald (D6)

**Summary:** Provides bonuses for certain essential healthcare workers; appropriates \$400,000,000.

**History:** 11/30/2023—Proposed for introduction.

**Position:** Review

**Bill:** A5831  
**Sponsors:** Pintor Marin (D29)  
**Summary:** Supplemental appropriation of \$3.6 million to DHS to increase adult medical day care Medicaid per diem rate from \$89.55 to \$93.10.

**Related:** 2022:S4128  
**History:** 11/30/2023—Proposed for introduction.  
**Position:** Monitor

**Bill:** A5832  
**Sponsors:** Pintor Marin (D29)  
**Summary:** Establishes minimum base NJ FamilyCare per diem reimbursement rate of \$1,100 for special care nursing facility with neurologically impaired young adult unit.

**Related:** 2022:S4193  
**History:** 11/30/2023—Proposed for introduction.  
**Position:** Review

**Bill:** S4077  
**Sponsors:** Gopal (D11) +1  
**Summary:** Requires employers to post information concerning veterans' benefits and services.

**Related:** 2022:A5694  
**History:** 11/27/2023—Introduced to Senate Military and Veterans' Affairs Committee.  
**Position:** Monitor

**Bill:** S4089  
**Sponsors:** Greenstein (D14)  
**Summary:** Requires owners of certain buildings to test drinking water for Legionella bacteria.

**Related:** 2022:A5706  
**History:** 11/30/2023—Introduced to Senate Health Committee.  
**Position:** Review  
**Notes:** Oppose?

**Bill:** S4090  
**Sponsors:** Greenstein (D14)  
**Summary:** Requires owners or operators of public community water systems to perform certain tests for Legionella bacteria.

**Related:** 2022:A5705  
**History:** 11/30/2023—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.  
**Position:** Support because of A5706 and S4089, which impose testing requirement on ALRs and NFs.

**Bill:** S4092  
**Sponsors:** Bucco (R25)  
**Summary:** Revises procedures for temporary guardianship.  
**History:** 11/30/2023—Introduced and referred to Senate Judiciary Committee.  
**Position:** Review

**Bill:** S4111  
**Sponsors:** Bramnick (R21)  
**Summary:** Prohibits downcoding in health insurance claims.  
**Related:** 2022:A5682  
**History:** 11/30/2023—Introduced and referred to Senate Commerce Committee.  
**Position:** Review

**Bill:** S4120  
**Sponsors:** Codey (D27)  
**Summary:** Removes exemption from law regulating patient referrals.  
**Related:** 2022:A5790  
**History:** 11/30/2023—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.  
**Position:** Review

**Bill:** S4127  
**Sponsors:** Gopal (D11)  
**Summary:** Revises reimbursement payments for providers using telemedicine and telehealth.  
**Related:** 2022:A5757  
**History:** 11/30/2023—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.  
**Position:** Review

**Bill:** S4128  
**Sponsors:** Gopal (D11)  
**Summary:** Supplemental appropriation of \$3.6 million to DHS to increase adult medical day care Medicaid per diem rate from \$89.55 to \$93.10.  
**Related:** 2022:A5831  
**History:** 11/30/2023—Introduced and referred to Senate Budget and Appropriations Committee.  
**Position:** Monitor

**Bill:** S4193  
**Sponsors:** Sarlo (D36)  
**Summary:** Establishes minimum base NJ FamilyCare per diem reimbursement rate of \$1,100 for special care nursing facility with neurologically impaired young adult unit.  
**Related:** 2022:A5832  
**History:** 11/30/2023—Proposed for introduction.  
**Position:** Review