

**HCANJ BUSINESS MEETING
LEGISLATIVE AND REGULATORY UPDATE
July 12, 2023**

1. Rule Adoptions

- None to Report

2. Rule Proposals

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- **The Department of Health has proposed new rules regarding the process for authorizing drug donation program(s) pursuant to the enactment of P.L. 2017, c. 254. This law requires the Commissioner of Health to authorize one or more private entities to establish and maintain a drug donation program that would permit donors to donate over-the-counter drugs, prescription drugs, and administration supplies, which would otherwise be destroyed; and the redistribution of such unused drugs and administration supplies to those persons who are most in need.**

HCANJ promoted enactment of this law to better utilize unused prescription drugs in facilities, rather than simply disposing of them.

Notice of this proposal, PRN 2023-072, appears in the August 7, 2023 *New Jersey Register* at 55 N.J.R. 1608 (a). Written comments are due to the Division of Consumer Affairs by October 6, 2023.

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- **The Division of Consumer Affairs has proposed new rule N.J.A.C. 13:45B-12A to implement P.L. 2023, c. 10, the Temporary Workers' Bill of Rights, which regulates temporary help service firms that make "designated classification placements." Consistent with P.L. 2023, c. 10, proposed N.J.A.C. 13:45B-12A, prohibits any person or entity that meets the definition of temporary help service firm from making any designated classification placements unless the person or entity is certified by the Director of the Division to do so.**

The definition of "designated classification placement" includes "an assignment of a temporary laborer by a temporary help service firm to perform work in Food Preparation and Serving Related Occupations, Building and Grounds Cleaning and Maintenance Occupations and Personal Care and Service Occupations.

Notice of this proposal, PRN 2023-085, appears in the August 21, 2023 *New Jersey Register* at 55 N.J.R. 1814(a). Written comments are due to the Division of Consumer Affairs by October 20, 2023.

- **The Department of Labor and Workforce Development has proposed new rules at N.J.A.C. 12:72 to implement the Temporary Workers' Bill of Rights. The Act applies to temporary help service firms, third-party clients of temporary help service firms, and temporary laborers employed by temporary help service firms who are assigned to designated classification placements with third-party clients.**

Specifically, the Act imposes requirements and restrictions on temporary help service firms relative to the temporary laborers who they employ. These requirements and restrictions include the following 1) Notifications, including an assignment notification delivered to the temporary laborer at the time of dispatch; a notice of change on a multi-day assignment in the schedule, shift, or location; notice of a strike, lockout, or other labor dispute, and the right to refuse an assignment where such a strike, lockout, or other labor dispute exists; and a confirmation of having sought work, 2) Prohibitions pertaining to post-employment restrictions, including a cap on the placement fee that a temporary help service firm may charge a third-party client when the third-party client employs a temporary laborer who had been assigned by the temporary help service firm to perform work for the third-party client, 3) A pay equity requirement, whereby temporary help service firms must provide each temporary laborer with pay and benefits equal to, or greater than, the average rate of pay and average cost of benefits for employees of the third-party client to which the temporary laborer is assigned, who are performing the same or substantially similar work to that of the temporary laborer at the time the temporary laborer is assigned to the third-party client, on a job the performance of which requires equal skill, effort, and responsibility to that of the temporary laborer, and which is performed under similar working conditions, 4) Recordkeeping requirements for both temporary help service firms and third-party clients, as well as a prohibition against retaliation through discharge or in any other manner by a temporary help service firm or third-party client, or an agent of either, against a temporary laborer for exercising any rights granted the temporary laborer under the Act and 5) A requirement that a third-party client must reimburse a temporary help service firm the wages and related payroll taxes for services performed for the third-party client by a temporary laborer, according to payment terms outlined in invoices, service agreements, or stated terms provided by the temporary help service firm. The Act states that when a third-party client has failed to make the required wage or related payroll tax payments to the temporary help service firm, the temporary help service firm may file a complaint with the Commissioner of the Department.

Notice of this proposal, PRN 2023-086, appears in the August 21, 2023 *New Jersey Register* at 55 N.J.R. 1804(a). Written comments are due to the Division of Consumer Affairs by October 20, 2023.

3. **Health Care Administration Board Actions**

- None to Report

4. Legislation Enacted

Bill: A4682 AcaAaAca (3R)

Sponsors: Schaer (D36); Timberlake (D34); Danielsen (D17); Singleton (D7); Zwicker (D16) +38

Summary: **Establishes employment protections for certain service employees during changes of ownership.**

Related: 2022:S2389

History: 09/29/2022—Introduced and referred to Assembly Labor Committee.
12/08/2022—Reported out of committee with committee amendments, referred to Assembly State and Local Government Committee.
03/20/2023—Reported out of committee, 2nd reading in Assembly.
03/30/2023—Amended on Assembly floor, 2nd reading in Assembly (Wimberly).
06/20/2023—Recommitted to Assembly Commerce and Economic Development.
06/22/2023—Reported with committee amendments, 2nd reading in Assembly.
06/30/2023—Passed in Assembly 43-33-0. Received in Senate w/o committee reference. Substituted for S-2389. Passed in Senate and sent to Governor 21-14.
07/24/2023—Signed by the Governor P.L.2023, c.128.

Position: Oppose

Notes: Already in place for health care facilities, which were removed legislation. However, bill would affect facility vendors and contractors in connection with the care or maintenance of a building or property, and includes but is not limited to work performed by a security guard; a front desk worker; a janitor; a maintenance employee; building superintendent; grounds maintenance worker; elevator operator and starter; or window cleaner. It does not include any individual who performs work on any building, structural, electric, HVAC, or plumbing project, if the work requires a permit to be issued by a municipal building or construction department. It also does not include vendors who provide food preparation services in health care facilities.

5. Legislation on Governor's Desk

Bill: A5179 Aca (1R)

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 to Assembly State and Local Government Committee.
03/20/2023—Reported with committee amendments, 2nd reading in Assembly.
03/23/2023—Recommitted and reported out of to Assembly Appropriations Committee.
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.

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.

Bill: A5225 AcaAca (2R)
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 with committee amendments, referred to Assembly Health.
 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. Substituted for S-3729. Passed in Senate and sent to Governor 36-0.

Position: Support

Bill: S3929 ScaSaSca (3R)
Sponsors: Vitale (D19); Scutari (D22); Lampitt (D6); Mukherji (D33) +4
Summary: Revises certain requirements for involuntary commitment for mental health treatment.

Related: 2022:A5182

History: 06/05/2023—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.
 06/15/2023—Reported with committee amendments, 2nd reading in Senate.
 06/27/2023—Recommitted to Senate Budget and Appropriations Committee. Reported out of committee with committee amendments, 2nd reading in Senate.
06/30/2023—Passed Senate 36-1. Received in Assembly w/o committee reference. Substituted for A-5182. Passed Assembly 76-1; sent to Governor.

Position: Monitor

Bill: S2369 ScaSca (2R)
Sponsors: Singer (R30); Madden (D4); Benson (D14); McKnight (D31); Reynolds-Jackson (D15) +11
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, Human Services and Senior Citizens 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 Senate 37-0. Received in Assembly w/o committee reference. Substituted for A-4017. Passed Assembly 77-0; sent to Governor.

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 for nursing facilities that voluntarily delicense beds in order to create single occupancy rooms.

6. Legislative Activity

- None to Report

7. Legislation Introduced

- None to Report