

**HCANJ BUSINESS MEETING
LEGISLATIVE AND REGULATORY UPDATE
April 10, 2024**

1. Rule Adoptions

- **The Department of Health, Division of Certificate of Need and Licensing published notice of readoption without change N.J.A.C. 8:33H, Certificate of Need: Policy Manual for Long Term Care Services, which was scheduled to expire on April 20, 2024.**

Notice of this adoption appears in the March 18, 2024 *New Jersey Register* at 56 N.J.R. 410 (a). The effective date of the readoption was February 15, 2024.

- **The Department of Health, Division of Certificate of Need and Licensing published notice of readoption with technical changes N.J.A.C. 8:42C concerning hospice licensing standards.**

Notice of this adoption appears in the March 18, 2024 *New Jersey Register* at 56 N.J.R. 410 (b). The effective date of the readoption was February 15, 2024. The technical changes took effect on March 18, 2024.

2. Special Rule Adoption

- **The Department of Health, Office of Health Care Financing, Office of Long-term Care Resiliency published notice of special adoption of new rules and the concurrently proposed readoption of new rules for nursing home financial transparency reporting codified at N.J.A.C. 8:97. The new rules implement P.L. 2021 c. 457, which established additional requirements for DOH to assess sanctions and impose penalties on nursing homes and revised reporting requirements for nursing homes.**

HCANJ remains strongly opposed to the adopted rules which contain a requirement that each nursing home submit to the DOH annual owner-certified financial statements that have been audited by a certified public accountant. Chapter 457 did not require that the financial statements be audited.

Notice of this special adoption (PRN 2024-031) appears in the March 18, 2024 *New Jersey Register* at 56 N.J.R. 433 (a). The new rules took effect February 21, 2024. Written comments on this special adoption may be submitted, however, until May 17, 2024. HCANJ is in the process of finalizing our written opposition to the audited financial statement requirement.

3. Rule Proposals

- **The Department of Health, Division of Certificate of Need and Licensing published notice of proposed amendments at N.J.A.C. 8:36-1.3 and 2.4 concerning standards for licensure of assisted living residences, comprehensive personal care homes, and assisted living programs.**

The notice of proposal explains that the Department seeks to replace the assisted living Advanced Standing Program with a new deemed status program conducted through a Department-recognized accreditation organization. The Department characterized this as a “move away from oversight by the HCANJ, which is a trade association that represents the long-term care provider community.” When the proposal was considered by the Health Care Administration Board, HCANJ objected to the mischaracterization of the Advanced Standing program as merely a “survey performed by HCANJ” and the antagonistic tone of the notice.

Notice of this proposal, PRN 2024-029, appears in the April 2, 2024 *New Jersey Register* at 56 N.J.R.456 (a). Written comments on the rule proposal are due to the Department by May 31, 2024.

4. Health Care Administration Board

- None to Report

5. Legislation on Governor's Desk

- None to Report

6. Legislative Activity

Bill: A2369

Sponsors: Spearman (D5); Quijano (D20); Reynolds-Jackson (D15) +14

Summary: **"New Jersey Works Act"; concerns businesses and pre-employment training programs; provides tax credit to businesses supporting pre-employment training programs; appropriates \$3 million.**

Related: 2024:S2306; 2022:A583; 2022:S1485; 2020:A1534; 2020:S1573; 2018:A5421; 2018:S3952

History: 01/09/2024—Introduced and referred to Assembly Labor Committee.
03/11/2024—Reported out of committee, referred to Assembly Appropriations Committee.

Position: Support

Bill: A2803

Sponsors: Greenwald (D6); Conaway (D7); Stanley (D18) +10

Summary: **Codifies and extends authorization for certain out-of-State health care practitioners and recent graduates of health care training programs to practice in New Jersey.**

Related: 2022:A4619; 2022:S3596

History: 01/09/2024—Introduced and referred to Assembly Regulated Professions Committee.

02/22/2024—Reported out of committee, 2nd reading in Assembly.

03/18/2024—Passed in Assembly 77-0-0.

Position: Support

Bill: A2813

Sponsors: Greenwald (D6); Reynolds-Jackson (D15); Speight (D29) +10

Summary: **Enters NJ in Social Work Licensure Compact.**

Related: 2024:S2688; 2022:A5349

History: 01/09/2024—Introduced and referred to Assembly Regulated Professions Committee.

02/22/2024—Reported out of committee, 2nd reading in Assembly.

03/18/2024—Passed in Assembly 77-0-0.

Position: Support

Bill: S1472

Sponsors: Lagana (D38); Bucco (R25)

Summary: **Requires DOLWD to identify and recruit unemployed individuals for employment in health care facilities; makes appropriation.**

Related: 2022:A4617; 2022:S3121

History: 01/09/2024—Introduced and referred to Senate Labor Committee.

03/14/2024—Reported out of committee, 2nd reading in Senate. Referred to Senate Budget and Appropriations Committee.

Position: Support

- Bill:** S1962 Sca (1R)
Sponsors: Vitale (D19); Singer (R30)
Summary: Provides certain protections to residents of long-term care facilities.
Related: 2024:A1888; 2022:A5194; 2022:S3606
History: 01/09/2024—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.
03/14/2024—Reported with committee amendments, 2nd reading in Senate.
03/18/2024—Passed in Senate 36-0. Received in Assembly and referred to Assembly Aging and Human Services Committee.
- Position:** Oppose
Notes: Amend to remove requirement for standard admission agreements and make clear that prohibition against LTC affiliated person from becoming attorney-in-fact does not preclude a designation of an authorized representative pursuant a Designation of Authorized Representative Form issued through the NJ Division of Medical Assistance and Health Services.
- Bill:** S1965 Sca (1R)
Sponsors: Vitale (D19); Singer (R30) +1
Summary: **Regulates provision of pharmaceutical services in long-term care facilities.**
Related: 2024:A588; 2022:A5248; 2022:S3609
History: 01/09/2024—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.
03/14/2024—Reported with committee amendments, 2nd reading in Senate.
- Position:** Monitor
Notes: Bill was revised to clarify that it codifies existing regulation requiring nursing facilities to retain a consultant pharmacist and does not apply to assisted living and other facilities.
- Bill:** S2168
Sponsors: Ruiz (D29); Pou (D35) +3
Summary: Provides tuition fee waiver apprenticeship courses.
Related: 2024:A513; 2022:A2494; 2022:S532; 2020:A2691; 2020:S1158; 2018:A4655; 2018:S3063
History: 01/09/2024—Introduced and referred to Senate Labor Committee.
03/14/2024—Reported out of committee. Referred to Senate Budget and Appropriations Committee.
- Position:** Support
- Bill:** S2306
Sponsors: Beach (D6); Singleton (D7)
Summary: "New Jersey Works Act"; Permits businesses to create pre-employment training programs in partnership with nonprofit organizations or educational institutions; provides tax credit to businesses that provide financial assistance to pre-employment training programs.
Related: 2024:A2369; 2022:A583; 2022:S1485; 2020:A1534; 2020:S1573; 2018:A5421; 2018:S3952
History: 01/25/2024—Introduced and referred to Senate Labor Committee.
03/14/2024—Reported out of committee, 2nd reading in Senate. Referred to Senate Budget and Appropriations Committee.
- Position:** Support

Bill: S2504 Sca (1R)
Sponsors: Ruiz (D29); Vitale (D19)
Summary: **Requires Medicaid reimbursement rates for certain primary and mental health care services match reimbursement rates under Medicare.**
Related: 2024:A3937; 2022:S4068
History: 02/05/2024—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.
 03/14/2024—Reported out of committee with committee amendments, 2nd reading in Senate. Referred to Senate Budget and Appropriations Committee.
Position: Monitor

7. Legislation Scheduled

- None to Report

8. Legislation Introduced

Bill: A4087
Sponsors: Speight (D29); Wimberly (D35); Hall (D28)
Summary: **Increases pay for certified nurse aides; makes appropriation.**
History: 03/18/2024— Introduced; referred to Assembly Aging & Human Services Comm.
Position: Seek Amendments
Notes: Revise from DOH to DHS as designated State agency.

Bill: A4088
Sponsors: Speight (D29); Wimberly (D35); Hall (D28)
Summary: **Revises responsibilities and duties of Nursing Home Administrator's Licensing Board.**
History: 03/18/2024— Introduced; referred to Assembly Aging & Human Services Comm.
Position: Support

Bill: A4089
Sponsors: Speight (D29); Wimberly (D35); Hall (D28) +1
Summary: **The "Certified Medication Aide in Nursing Homes Staffing Support Act;" authorizes certified medication aides to administer medications to nursing home residents.**
History: 03/18/2024—Introduced; referred to Assembly Aging & Human Services Comm.
Position: Support

Bill: A4090
Sponsors: Speight (D29); Atkins (D20); Wimberly (D35) +1
Summary: **Increases cap on personal care assistant services from 40 hours to 91 hours per week for Medicaid beneficiary determined clinically eligible for nursing facility level of care.**
History: 03/18/2024— Introduced; referred to Assembly Aging & Human Services Comm.
Position: Review

Bill: A4092
Sponsors: Speight (D29); Atkins (D20); Quijano (D20)
Summary: Establishes commission to study impact of certain Medicaid reimbursement rate change on nursing homes.
Related: 2024:S647; 2022:A3739; 2022:S76; 2020:A2664; 2020:S51; 2018:A4452; 2018:S2909
History: 03/18/2024—Introduced and referred to Assembly Aging and Human Services Committee.
Position: No Position
Notes: Proposes analyzing the effects of the adjustment to the Medicaid hourly reimbursement rate for personal care services upon the operations, ability to comply with any minimum staffing requirements, employee retention, financial health, resident costs, and related issues on nursing homes in the State, including whether any nursing homes closed as a result. The bill requires that the commission solicit data or information from nursing homes and puts nursing home representatives on the commission.

Bill: A4093
Sponsors: Speight (D29); Wimberly (D35); Quijano (D20)
Summary: Clarifies staff training requirements at long-term care facilities regarding care of lesbian, gay, bisexual, transgender, questioning, queer, and intersex seniors and seniors living with HIV.
Related: 2024:S3055
History: 03/18/2024—Introduced and referred to Assembly Aging and Human Services Committee.
Position: Support

Bill: A4134
Sponsors: Speight (D29); Sumter (D35); Atkins (D20) +2
Summary: Requires homemaker-home health aide and nursing assistant certification examinations to be translated into multiple languages.
History: 04/04/2024—Introduced and referred to Assembly Regulated Professions Committee.
Position: Monitor

Bill: A4149
Sponsors: Speight (D29); Stanley (D18); Tucker (D28)
Summary: Revises infection control regulation in long-term care facilities.
History: 04/04/2024—Introduced and referred to Assembly Aging and Human Services Committee.
Position: Support

Bill: A4150
Sponsors: Speight (D29); Stanley (D18)
Summary: Permits certified nurse aides to be employed as personal care assistants.
History: 04/04/2024—Introduced and referred to Assembly Regulated Professions Committee.
Position: Review

Bill: A4151
Sponsors: Danielsen (D17); Quijano (D20); McCoy (D14)
Summary: Requires transparency concerning compensation with promotional opportunities and in employment listings.

Related: 2024:S2310; 2022:A3937; 2022:S3663
History: 04/04/2024—Introduced and referred to Assembly Labor Committee.
Position: Oppose

Bill: S2941
Sponsors: Beach (D6)
Summary: Establishes process for county colleges to offer baccalaureate degree nursing programs.

Related: 2024:A3353; 2022:A231; 2020:A1759; 2020:S2157; 2018:A853; 2018:S1221; 2016:A668; 2016:S1288; 2014:A905; 2014:S1165; 2012:A3277; 2012:S2240
History: 03/11/2024—Introduced and referred to Senate Higher Education Committee.
Position: Support

Bill: S2985
Sponsors: Gopal (D11)
Summary: Allows social worker to acquire four hours of continuing education credit for volunteering as poll worker.

Related: 2024:A3857
History: 03/18/2024—Introduced and referred to Senate Commerce Committee.
Position: Monitor

Bill: S3011
Sponsors: Schepisi (R39)
Summary: Directs DOLWD to establish advertising campaign to attract candidates to health care professions; appropriates \$1 million.

Related: 2024:A3675; 2022:A5130
History: 03/18/2024—Proposed for introduction.
Position: Support

Bill: S3019
Sponsors: Pennacchio (R26)
Summary: Requires certain nursing homes to improve quality ratings.

Related: 2024:A3902
History: 03/18/2024—Proposed for introduction.
Position: Review

Notes: This bill requires nursing homes certified to participate in the Medicaid program with an overall rating on the CMS Five-Star Quality Rating System of one star to develop and implement a corrective action plan to improve the nursing home's rating as a condition of receiving reimbursement under the Medicaid program.

A nursing home with a one star rating will submit a corrective action plan to the Department of Human Services, providing a description of the action steps to be taken by the nursing home over a six-month period to resolve quality issues indicated by the nursing home's domain ratings within the CMS federal Quality Rating System. The plan, at a minimum, will include steps that would improve the nursing home's overall rating to a minimum of two stars after the implementation of the plan.

Bill: S3020
Sponsors: Pennacchio (R26)
Summary: Requires State Long-Term Care Ombudsman to assign paid or volunteer advocates to long-term care facilities; makes appropriation.
Related: 2024:A3913
History: 03/18/2024—Proposed for introduction.
Position: Review
Notes: Doesn't the volunteer ombudsman program already accomplish this? NO POSITION?

Bill: S3050
Sponsors: Tiver (R8); Pou (D35)
Summary: Revises requirements and process for temporary courtesy licenses and certificates issued by State Board of Examiners, NJ Board of Nursing, and other professional and occupational licensing boards to nonresident military spouses.
Related: 2024:A1027; 2022:A2956; 2022:S1104; 2020:A3184; 2020:S279; 2018:S4180
History: 03/18/2024—Proposed for introduction.
Position: Monitor
Notes: Under current law, the Board of Nursing may grant a temporary courtesy license to a nonresident military spouse only if the applicant holds a current license to practice nursing in another jurisdiction which the board determines has licensure requirements to practice nursing that are equivalent to those adopted by the board. This bill removes the provision that the Board is required to determine whether the out-of-State license held by the applicant has requirements equivalent to those adopted by the board. The bill clarifies that the board may only charge fees related to conducting a criminal history record check.

Bill: S3051
Sponsors: Singer (R30); Pou (D35)
Summary: Requires Division of Consumer Affairs to hire staff to alleviate professional license application backlog; appropriates \$10,000,000 in fiscal years 2024, 2025, and 2026.
History: 03/18/2024—Proposed for introduction.
Position: Monitor

Bill: S3055
Sponsors: Timberlake (D34)
Summary: Clarifies staff training requirements at long-term care facilities regarding care of lesbian, gay, bisexual, transgender, questioning, queer, and intersex seniors and seniors living with HIV.
Related: 2024:A4093
History: 03/18/2024—Proposed for introduction.
Position: Support

Bill: SCR99
Sponsors: Bucco (R25)
Summary: Creates joint committee of Legislature to study report entitled "Independent Review of New Jersey's Response to the COVID-19 Pandemic."
History: 03/18/2024—Proposed for introduction.
Position: Review