

# Perspectives

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## Public Notice

The Department of Health and Senior Services published notice that it is extending the moratorium on accepting licensure applications for new or expanded adult day health services (ADHS) facilities until November 1, 2012. This moratorium applies to applications for new facilities, the relocation of an unlicensed facility, and the operation of more than one shift at existing or new facilities.

This notice appear in the April 16, 2012 *New Jersey Register* at 44 N.J.R. N.J.R. 1288(a).



## Proposed for Introduction

A2860, McKeon (D27) requires assisted living residences to have standby emergency power generators. This bill was proposed for introduction.



## Advanced Standing - Deadline Approaching

The enrollment period for the Advanced Standing program ends May 18, 2012. This is a firm deadline. A facility that does not apply for the program by that date may participate in the program next year, but will not be able to participate in 2012.

Advanced Standing is a voluntary program that requires facilities to adhere to all federal, state and local regulations as well as meet quality benchmarks. It was developed in collaboration with the Department of Health and Senior Services (DHSS) and has the full support of DHSS Commissioner Mary O'Dowd. The Commissioner has offered that the facilities that obtain this distinction will be so designated on the State's website. HCANJ member facilities will also have a special designation on the HCANJ website.

For more information on the program go to [www.hcanj.org](http://www.hcanj.org) or call the Health Care Association of New Jersey Foundation at 609-890-2789.



Health Care Association of New Jersey  
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## NLRB Posting Requirement For Employers is Delayed

The D.C. Circuit Court enjoined the National Labor Relations Board (NLRB) from enforcing the new posting requirements for most employers that were set to take effect on April 30, 2012. The Court's action likely means that no decision on the appeal will be made before this fall, therefore employers are under no obligation to post the new notice at this time.

The U.S. District Court for the District of Columbia recently determined that the NLRB could require employers - including long term care providers - to post a notice informing employees of their rights to organize (National Association of Manufacturers v. NLRB); but last week the U.S. District Court for the District of South Carolina issued a conflicting decision that finds that the NLRB exceeded its statutory authority when it required employers to post such a notice (US Chamber of Commerce v. NLRB).

Both the Assisted Living Federation of America (ALFA) and the American Health Care Association/National Center for Assisted Living (AHCA/NCAL) have been closely following this issue. HCANJ will continue to disseminate information to its members, as needed.



## DHSS/DHS Comprehensive Waiver Workgroups On-going

In anticipation of The Center for Medicare and Medicaid Services approval of New Jersey's application for a comprehensive waiver that will require all aging, blind and disabled Medicaid recipients as well as the facilities and services that serve them to convert to a managed Medicaid system, the Department of Health and Senior Services (DHSS) in cooperation with the Department of Human Services (DHS) has developed 4 workgroups to make recommendations on the implementation and execution of the waiver.

HCANJ staff and designees represent the interests of its members on all four of those workgroups; Provider Transition, Assessment to Appeals, Assuring Access and Quality & Monitoring.

There are many unanswered questions regarding all facets of the waiver. HCANJ anticipates additional opportunities to continue to work closely with DHSS and DHS on the waiver as its impact is tremendous and far-reaching.

HCANJ members are encouraged to contact the association for additional information as well as attend association meetings where the progress of the waiver, as it's currently known, is discussed.