

**HCANJ BUSINESS MEETING
LEGISLATIVE AND REGULATORY UPDATE
January 13, 2021**

1. Rule Adoptions

- None to report.

2. Rule Proposals

- None to report.

3. HCAB Activity

- None to report.

4. Public Notices

- None to report.

5. Legislation Acted Upon by Governor

Bill: A4282 Acs (ACS)
Sponsors: Pinkin (D18); Karabinchak (D18); Benson (D14); Vainieri Huttle (D37); DeCroce (R26); Diegnan (D18); Gopal (D11); Vitale (D19) +18
Summary: Requires long term care facilities and hospitals to maintain minimum supply of personal protective equipment.
Related: 2020:S2566
History: 06/18/2020—Introduced and referred to Assembly Senior Services Committee.
 09/14/2020—Transferred to Assembly Appropriations Committee.
 09/17/2020—Reported with committee substitute, 2nd reading in Assembly.
 09/24/2020—Passed in Assembly 79-0-0.
 10/08/2020—Received in Senate w/o committee reference, 2nd reading in Senate.
 10/29/2020—Substituted for S-2566. Passed in Senate and sent to Governor 35-0.
12/14/2020—Signed by the Governor P.L.2020, c.135.
Position: Monitor
Notes: Requires facilities to maintain a supply of personal protection equipment that is sufficient to sustain the health care needs of 20 percent of the total number of residents within the nursing home for a reasonable period of time, if there is sufficient personal protection equipment available, either by contribution from a third-party or for purchase at a reasonable cost to the nursing home, and if the purchase of such personal protection equipment is within the financial means of the nursing home.

The bill provides that a nursing home is to submit a report biennially to the Department of Health detailing its personal protection equipment inventory.

Bill: S2465 ScaScaAca (3R)
Sponsors: Sweeney (D3); Conaway (D7); Giblin (D34); Jimenez (D32) +3
Summary: "New Jersey Health Care Transparency Act."
Related: 2020:A4143
History: 05/11/2020—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.
 06/11/2020—Reported out of committee with committee amendments, 2nd reading in Senate. Referred to Senate Budget and Appropriations Committee.
 08/25/2020—Reported with committee amendments, 2nd reading in Senate.
 08/27/2020—Passed in Senate 39-0.
 09/14/2020—Received in Assembly Regulated Professions Committee.
 10/19/2020—Transferred to Assembly Health Committee.
 10/22/2020—Reported with committee amendments, 2nd reading in Assembly.
 10/29/2020—Substituted for A-4143. Passed Assembly 72-0-0. Received in Senate to concur with Assembly amendments. Passed Senate 33-0. Sent to Governor.
12/14/2020—Signed by the Governor P.L.2020, c.133.
Position: Monitor
Notes: Original bill would have required licensed health care workers in facilities to display posters in “office” and wear name tags noting credentials. Bill was amended to eliminate adverse imposition upon long term care facilities.

6. Legislation on Governor's Desk

- Bill:** A1226
- Sponsors:** Schaer (D36); Jimenez (D32); Wimberly (D35); Mukherji (D33); Benson (D14); Quijano (D20); Kean (R21); Pou (D35) +25
- Summary:** **Requires electric public utilities to provide priority power restoration to certain medical facilities, assisted living facilities, and nursing homes.**
- Related:** 2020:S265; 2018:A436; 2018:S2399; 2016:A1641; 2016:S876; 2014:A1071; 2014:S2128; 2012:A3673
- History:** 01/14/2020—Introduced to Assembly Homeland Security & State Preparedness Committee.
10/19/2020—Reported out of committee, 2nd reading in Assembly.
11/16/2020—Passed in Assembly 74-0-0.
11/19/2020—Received in Senate Economic Growth Committee.
12/10/2020—Reported out of committee, 2nd reading in Senate.
01/11/2021—Substituted for Senate Bill 265. Passed Senate 34-0. Sent to Governor.
- Position:** Support
- Bill:** S2384 ScaAca (2R)
- Sponsors:** Greenstein (D14); Gill (D34); Spearman (D5); Vainieri Huttle (D37); Mukherji (D33) +9
- Summary:** **Requires health care facilities to report certain coronavirus disease 2019 (COVID-19) data related to health care workers and certain first responders.**
- Related:** 2020:A4129
- History:** 05/04/2020—Introduced to Senate Budget and Appropriations Committee.
07/28/2020—Reported with committee amendments, 2nd reading in Senate.
07/30/2020—Passed Senate 40-0. Received in Assembly Appropriations Committee.
12/14/2020—Reported with committee amendments, 2nd reading in Assembly.
12/17/2020—Substituted for A-4129. Passed Assembly 79-0-0. Received in Senate to concur with Assembly amendments. Passed Senate and sent to Governor 33-0.
- Position:** Monitor
- Notes:** Requires reporting of number of health care professionals and ancillary health care workers employed by a facility who tested positive for and died from COVID-19.
Committee amendments revised the bill to:
- 1) Make the reporting requirement applicable with regard to employees of health care facilities that are subject to the reporting requirement, rather than individuals affiliated with the health care facility;
 - 2) Remove a requirement for the DOH to publish the reported data on its Internet website, and instead require the DOH to submit a report no later than 12 months after the end of both the state of emergency and the public health emergency declared in response to the COVID-19 pandemic;
 - 3) Remove language providing the DOH with the discretion to determine the specific workers for whom data is required to be reported;
 - 4) Remove a provision requiring health care facilities to adopt standards, procedures, and protocols for evaluating and mitigating COVID-19 exposure risks; and
 - 5) Remove a requirement for health care facilities to complete and submit to the DOH an internal COVID-19 exposure analysis.

Bill: S2545

Sponsors: Singleton (D7); Gopal (D11); Codey (D27) +1 Vainieri Huttle (D37); Chiaravalloti (D31); Quijano (D20) +5

Summary: **Establishes certain requirements concerning rights of lesbian, gay, bisexual, transgender, undesignated/non-binary, questioning, queer, intersex, and HIV-positive residents of long-term care facilities.**

Related: 2020:A4288

History: 06/08/2020—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.

09/14/2020—Reported out of committee, 2nd reading in Senate.

12/17/2020—Passed in Senate 33-0. Received in Assembly w/o committee reference, 2nd reading in Assembly.

01/11/2021—Substituted for Assembly Bill 4288. Passed Assembly 69-1-5. Sent to Governor.

Position: Monitor

7. Legislative Activity

- Bill:** A3998
- Sponsors:** Murphy (D7); Giblin (D34); Verrelli (D15) +3
- Summary:** Concerns certain workers' compensation supplemental benefits for surviving dependents of essential employees who die in course of employment.
- Related:** 2020:S2476
- History:** 05/04/2020—Introduced and referred to Assembly Labor Committee.
12/14/2020—Reported out of committee, referred to Assembly Appropriations Committee.
- Position:** Monitor
- Bill:** S2199
- Sponsors:** Rice (D28)
- Summary:** Qualifies certain assisted living facilities for certain EDA incentives.
- Related:** 2018:S2178
- History:** 03/16/2020—Introduced to Senate Community and Urban Affairs Committee.
12/10/2020—Reported out of committee. Referred to Senate Budget and Appropriations Committee.
- Position:** Monitor
- Notes:** Applies to assisted living residences in which 75% or more of the units are financed with federal Low-Income Housing Tax Credits.
- Bill:** S2476
- Sponsors:** Singleton (D7); Addiego (D8)
- Summary:** Concerns certain workers' compensation supplemental benefits for surviving dependents of essential employees who die in course of employment.
- Related:** 2020:A3998
- History:** 05/11/2020—Introduced to Senate Budget and Appropriations Committee.
06/11/2020—Reported out of committee, 2nd reading in Senate.
06/15/2020—Passed in Senate 38-1. Received in Assembly Labor Committee.
12/14/2020—Reported out of committee, referred to Assembly Appropriations Committee.
- Position:** Monitor
- Notes:** Bill provides supplemental benefit payments to the dependents of essential employees who died in the course of employment due to the contraction of coronavirus disease 2019.

8. Legislation Scheduled

Bill: A4861

Sponsors: Vainieri Huttle (D37); Armato (D2); Verrelli (D15) +2

Summary: Requires DOH to continuously publish total number of COVID-19 deaths in long-term care facilities and veterans' homes.

Related: 2020:S3041

History: 10/22/2020—Introduced and referred to Assembly Senior Services Committee.

Scheduled: 01/13/2021—Assembly Aging and Senior Services Committee.

Position: Monitor

Bill: S3041 Sca (1R)

Sponsors: Vitale (D19); Gopal (D11) +1

Summary: Requires DOH to publish total number of COVID-19 deaths in long-term care facilities.

Related: 2020:A4861

History: 10/19/2020—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.

12/07/2020—Reported with committee amendments, 2nd reading in Senate.

Position: Monitor

Bill: A4957

Sponsors: Speight (D29); McKnight (D31); Vainieri Huttle (D37) +1

Summary: Requires long-term care facilities to annually review residents' proxy directives.

Related: 2020:S3068

History: 11/12/2020—Introduced and referred to Assembly Senior Services Committee.

Scheduled: 01/13/2021—Assembly Aging and Senior Services Committee.

Position: Seek Amendment

Note: Amend to consider that not all residents have a proxy directive.

Bill: S537

Sponsors: Codey (D27) +3

Summary: Establishes certain minimum and maximum temperatures in emergency shelters, rooming and boarding houses, and certain nursing homes and residential health care facilities.

Related: 2020:A3110; 2018:A2942; 2018:S794; 2016:A2414; 2016:S368; 2014:A4111; 2014:S1961

History: 01/14/2020—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.

08/25/2020—Reported out of committee. Referred to Senate Budget and Appropriations Committee. Reported out of committee, 2nd reading in Senate.

08/27/2020—Passed in Senate 39-0.

09/14/2020—Received in Assembly and referred to Assembly Health Committee.

Scheduled: 01/13/2021—Assembly Health Committee.

Position: Monitor

Notes: Bill was amended in 216th session to narrow initially proposed temperature range to 65 through 81 degrees and to permit nursing facilities and residential health care facilities to comply with federal temperature range, 42 CFR 483.15 (h)(6).

Bill: S3031
Sponsors: Sweeney (D3); Vitale (D19) +1
Summary: Requires DOH to establish certain nursing education and professional advancement programs.
Related: 2020:A4854; 2020:A5059
History: 10/19/2020—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.
Scheduled: 01/14/2021—Senate Health, Human Services and Senior Citizens Committee.
Position: Support
Notes: Establishes a pilot program to develop standards for a 12-month post-acute care residency program for registered nurses. with a post-acute care curriculum, post-acute care clinical work focused on technical skills and subspecialty training, and a professional development curriculum; and assign residents to designated mentors who are employed by post-acute care facilities.

The bill provides that the DOH is to develop and offer a five-day infection prevention course to certified nurse aides and registered nurses to prepare certified nurse aides and registered nurses to perform infection prevention duties in a health care facility.

Bill: A5059 Aca (1R)
Sponsors: Conaway (D7); Vainieri Huttle (D37); Benson (D14)
Summary: Requires DOH to establish certain nursing education and professional advancement programs.
Related: 2020:A4854; 2020:S3031
History: 11/19/2020—Introduced and referred to Assembly Health Committee.
 12/10/2020—Reported with committee amendments, referred to Assembly Appropriations Committee.
Position: Support

Bill: S3032
Sponsors: Sweeney (D3); Vitale (D19) +1
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.
Scheduled: 01/14/2021—Senate Health, Human Services and Senior Citizens Committee.
Position: Monitor
Bill: A4855
Sponsors: Benson (D14); Vainieri Huttle (D37); Chiaravalloti (D31) +7
Summary: Requires DOH to develop Statewide plan for infection control and prevention infrastructure improvements in nursing homes.
Related: 2020:S3032
History: 10/19/2020—Introduced and referred to Assembly Senior Services Committee.
 12/07/2020—Reported out of committee, referred to Assembly Appropriations.
Position: Monitor

9. Legislation Introduced

- Bill:** A5096
Sponsors: Scharfenberger (R13); Dancer (R12)
Summary: Restricts establishment of mandates to become vaccinated against coronavirus disease 2019 (COVID-19); establishes reimbursement program to cover certain out-of-pocket costs incurred in obtaining COVID-19 vaccine.
History: 12/10/2020—Introduced and referred to Assembly Health Committee.
Position: Monitor
- Bill:** A5104
Sponsors: Conaway (D7); Vainieri Huttle (D37)
Summary: Requires vaccinations against coronavirus disease 2019 (COVID-19) be reported to New Jersey Immunization Information System.
History: 12/10/2020—Introduced and referred to Assembly Health Committee.
Position: Monitor
- Bill:** A5129
Sponsors: Freiman (D16); Benson (D14); Verrelli (D15)
Summary: Provides gross income tax credit to essential employees working during COVID-19 pandemic.
Related: 2020:S3269
History: 12/10/2020—Introduced and referred to Assembly Appropriations Committee.
Position: Monitor
- Bill:** A5170
Sponsors: Reynolds-Jackson (D15)
Summary: Establishes Essential Employees Hazard Compensation and Employer Liability Limitation Program; affords COVID-19 liability protections and provides financial incentives to certain employers that provide hazard pay to eligible employees; makes an appropriation.
Related: 2020:S2872
History: 12/17/2020—Introduced and referred to Assembly Labor Committee.
Position: Review
- Bill:** A5178
Sponsors: Tucker (D28); Vainieri Huttle (D37) +1
Summary: Requires Office of State Long-Term Care Ombudsman submit annual report to veterans' facility oversight boards.
Related: 2020:S3339
History: 12/21/2020—Introduced to Assembly Military and Veterans' Affairs Committee.
Position: Monitor
- Bill:** A5238
Sponsors: Speight (D29)
Summary: Addresses long-term effects of COVID-19.
History: 01/11/2021—Introduced and referred to Assembly Health Committee.
Position: Review

Bill: S3269
Sponsors: Bateman (R16); Bucco (R25)
Summary: Provides gross income tax credit to essential employees working during COVID-19 pandemic.
Related: 2020:A5129
History: 12/14/2020—Introduced to Senate Budget and Appropriations Committee.
Position: Monitor

Bill: S3305
Sponsors: Smith (D17); Oroho (R24)
Summary: Allows gross income tax credit for nonresidential building improvements to reduce spread of COVID-19.
History: 01/07/2021—Introduced to Senate Budget and Appropriations Committee.
Position: Review

Bill: S3312
Sponsors: Gopal (D11)
Summary: Establishes Chief Executive Nurse position in DOH.
Related: 2020:A4535
History: 01/07/2021—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.
Position: Monitor

Bill: S3350
Sponsors: Weinberg (D37)
Summary: Requires Medicaid fee-for-service coverage of managed long term services and supports when beneficiary is pending enrollment in managed care organization.
Related: 2020:A4237
History: 01/11/2021—Proposed for introduction.
Position: Support
Notes: Prompted due to assisted living programs experiencing difficulties receiving reimbursement for established residents determined financially and clinically eligible for Medicaid services, but who were awaiting enrollment in a MCO.

Bill: S3351
Sponsors: Weinberg (D37)
Summary: Makes FY 2021 supplemental appropriation of \$210,000 to DHS for temporary 25 percent increase to certain assisted living facilities in Medicaid.
Related: 2020:A4864
History: 01/11/2021—Proposed for introduction.
Position: Support