

**HCANJ BUSINESS MEETING
LEGISLATIVE AND REGULATORY UPDATE
July 14, 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: A5520 Aca (1R)
Sponsors: Vainieri Huttle (D37); McKnight (D31); Benson (D14); Kean (R21); Diegnan (D18) +20
Summary: Increases income eligibility limits for PAAD program and Senior Gold Prescription Discount Program by \$10,000.
Related: 2020:S3633
History: 03/22/2021—Introduced and referred to Assembly Senior Services Committee.
 06/02/2021—Reported out of committee, referred to Assembly Budget Committee.
 06/21/2021—Reported with committee amendments, 2nd reading in Assembly.
 06/24/2021—Passed in Assembly 75-0-0. Received in Senate w/o committee reference. Substituted for S-3633. Passed in Senate and sent to Governor 40-0.
06/29/2021—Signed by the Governor P.L.2021, c.131.
Position: Monitor

Bill: S2022
Sponsors: Sarlo (D36); Cunningham (D31); Pintor Marin (D29); Burzichelli (D3)
Summary: Appropriates \$46,380,012,000 in State funds and \$21,026,030,082 in federal funds for the State budget for fiscal year 2021-2022.
Related: 2020:A5870
History: 06/21/2021—Introduced and referred to Senate Budget and Appropriations Committee. Reported out of committee, 2nd reading in Senate.
 06/24/2021—Passed Senate 25-15. Received in Assembly w/o committee reference. Substituted for A-5870. Passed in Assembly and sent to Governor 49-26-0.
06/29/2021—Signed by the Governor P.L.2021, c.133.
Position: Support

6. Legislation on Governor's Desk

Bill: A4484 Aca (1R)
Sponsors: McKnight (D31); Kennedy (D22); Mukherji (D33); Gove (R9); Pou (D35); Vitale (D19) +19
Summary: Requires State Long-Term Care Ombudsman to establish long-term care advocacy and educational training program.
Related: 2020:S3153
History: 07/30/2020—Introduced and referred to Assembly Senior Services Committee.
 10/08/2020—Reported with committee amendments, referred to Assembly Appropriations Committee.
 10/26/2020—Reported out of committee, 2nd reading in Assembly.
 10/29/2020—Passed in Assembly 72-0-0.
 11/05/2020—Received in Senate Health, Human Services & Senior Citizens Committee.
 02/09/2021—Reported out of committee. Referred to Senate Budget and Appropriations Committee.
 06/17/2021—Reported out of committee, 2nd reading in Senate.
06/21/2021—Substituted for S-3153. Passed in Senate and sent to Governor 40-0.
Position: Monitor

Bill: A4861 Aca (1R)
Sponsors: Vainieri Huttle (D37); Armato (D2); Verrelli (D15); Vitale (D19); Gopal (D11) +15
Summary: Requires DOH to publish total number of COVID-19 deaths and cases in long-term care facilities.

Related: 2020:S3041

History: 10/22/2020—Introduced and referred to Assembly Senior Services Committee.
 01/13/2021—Reported out of committee with committee amendments, 2nd reading in Assembly.
 03/25/2021—Passed in Assembly 72-0-0.
 04/26/2021—Received in Senate w/o committee reference, 2nd reading in Senate.
06/21/2021—Substituted for S-3041. Passed Senate and sent to Governor 40-0.

Position: Monitor

Bill: A4864 ScaSa (2R)
Sponsors: Johnson (D37); Vainieri Huttle (D37); Spearman (D5); Weinberg (D37); Addiego (D8) +9
Summary: Makes FY 2021 supplemental appropriation of \$3,000,000 to DHS for temporary 25 percent increase to certain assisted living resident provider in Medicaid.

Related: 2020:S3351

History: 10/22/2020—Introduced and referred to Assembly Senior Services Committee.
 03/08/2021—Reported out of committee, referred to Assembly Appropriations Committee.
 03/17/2021—Reported out of committee, 2nd reading in Assembly.
 03/25/2021—Passed in Assembly 64-6-3.
 04/26/2021—Received in Senate and referred to Senate Health, Human Services and Senior Citizens Committee.
 06/10/2021—Reported with committee amendments, 2nd reading in Senate.
 06/21/2021—Amended on Senate floor, 2nd reading in Senate 25-0 (Weinberg).
06/24/2021—Substituted for S-3351. Passed Senate 40-0. Received in Assembly to concur with Senate amendments. Passed Assembly 70-2-2. Sent to Governor.

Position: Support

Bill: A5353 Aca (1R)
Sponsors: Conaway (D7); Vainieri Huttle (D37); Benson (D14); Madden (D4); Turner (D15) +8
Summary: Provides for certification of temporary nurse aides.

Related: 2020:S3421

History: 02/22/2021—Introduced and referred to Assembly Health Committee.
 03/08/2021—Reported with committee amendments, 2nd reading in Assembly.
 03/25/2021—Passed in Assembly 72-0-0.
 04/26/2021—Received in Senate Health, Human Services and Senior Citizens Committee.
 05/06/2021—Reported out of committee, 2nd reading in Senate.
06/03/2021—Substituted for S-3421. Passed Senate and sent to Governor 38-0.

Position: Support

- Bill:** A5850 AcaAa (2R)
Sponsors: Armato (D2); Mazzeo (D2); Conaway (D7); Gopal (D11); Lagana (D38) +13
Summary: Requires DMVA veterans' memorial homes to hold quarterly town hall meetings with veterans' guardians.
Related: 2020:S3906
History: 06/03/2021—Introduced to Assembly Military and Veterans' Affairs Committee.
06/14/2021—Reported with committee amendments, 2nd reading in Assembly.
06/21/2021—Amended on Assembly floor, 2nd reading in Assembly (Johnson).
06/24/2021—Passed in Assembly 75-0-0.
06/28/2021—Received in Senate w/o committee reference, 2nd reading in Senate.
06/30/2021—Substituted for S-3906. Passed Senate 38-0. Sent to Governor.
Position: Monitor
- Bill:** A5851 Aca (1R)
Sponsors: Swain (D38); Tully (D38); Freiman (D16); Gopal (D11); Lagana (D38) +11
Summary: Allows veteran's guardian to remove veteran from DMVA veterans' memorial home under certain emergency circumstances.
Related: 2020:S3905
History: 06/03/2021—Introduced to Assembly Military and Veterans' Affairs Committee.
06/14/2021—Reported with committee amendments, 2nd reading in Assembly.
06/24/2021—Passed in Assembly 75-0-0.
06/28/2021—Received in Senate w/o committee reference, 2nd reading in Senate.
06/30/2021—Substituted for S-3905. Passed Senate 38-0. Sent to Governor.
Position: Monitor
- Bill:** A5852 Aca (1R)
Sponsors: Houghtaling (D11); Johnson (D37); Chaparro (D33); Gopal (D11); Lagana (D38) +9
Summary: Requires DMVA veterans' memorial homes to communicate with veterans' guardians via at least two communication means.
Related: 2020:S3904
History: 06/03/2021—Introduced to Assembly Military and Veterans' Affairs Committee.
06/14/2021—Reported with committee amendments, 2nd reading in Assembly.
06/24/2021—Passed in Assembly 75-0-0.
06/28/2021—Received in Senate w/o committee reference, 2nd reading in Senate.
06/30/2021—Substituted for S-3904. Passed Senate 38-0 Sent to Governor.
Position: Monitor
- Bill:** A5855
Sponsors: Tucker (D28); Speight (D29); Vainieri Huttle (D37); Cruz-Perez (D5) +4
Summary: Requires DMVA veterans' facilities provide payroll-based journal information to NJ Long-Term Care Ombudsman.
Related: 2020:S3908
History: 06/03/2021—Introduced to Assembly Military and Veterans' Affairs Committee.
06/14/2021—Reported out of committee, 2nd reading in Assembly.
06/24/2021—Passed in Assembly 75-0-0.
06/28/2021—Received in Senate w/o committee reference, 2nd reading in Senate.
06/30/2021—Substituted for S-3908. Passed Senate 38-0. Sent to Governor.
Position: Monitor

Bill: S2559 ScaScaAcaAa (4R)

Sponsors: Gopal (D11); Gill (D34); Downey (D11); Conaway (D7); Benson (D14); Houghtaling (D11); Karabinchak (D18) +24

Summary: Revises requirements for health insurance providers and Medicaid to cover services provided using telemedicine and telehealth; appropriates \$5 million.

Related: 2020:A4179

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

01/14/2021—Reported out of committee with committee amendments, 2nd reading in Senate. Referred to Senate Budget and Appropriations Committee.

03/22/2021—Reported out with committee amendments, 2nd reading in Senate.

03/25/2021—Passed Senate 37-0. Received in Assembly Appropriations Committee.

06/16/2021—Reported out with committee amendments, 2nd reading in Assembly.

06/21/2021—Amended on Assembly floor, 2nd reading in Assembly (Johnson).

06/24/2021—Substituted for A-4179 (ACS/2R). Passed in Assembly 75-0-0.

06/28/2021—Received in Senate, 2nd reading in Senate to concur with Assembly amendments.

06/30/2021—Passed in Senate and sent to Governor 36-0.

Position: Support

Bill: S2798 AcaAaAaAa (4R)

Sponsors: Vitale (D19); Ruiz (D29); Conaway (D7); Vainieri Huttel (D37); McKnight (D31) +18

Summary: Revises requirements for long-term care facilities to establish outbreak response plans.

Related: 2020:A4430

History: 08/03/2020—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.

08/25/2020—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.

10/22/2020—Reported with committee amendments, 2nd reading in Assembly.

10/29/2020—Amended on Assembly floor, 2nd reading in Assembly (Johnson).

03/25/2021—Amended on Assembly floor, 2nd reading in Assembly (Johnson).

06/03/2021—Amended on Assembly floor, 2nd reading in Assembly (Johnson).

06/24/2021—Substituted for A-4430 (4R). Passed in Assembly 75-0-0.

06/28/2021—Received in Senate to concur with Assembly amendments.

06/30/2021—Passed in Senate and sent to Governor 38-0.

Position: Seek Amendment

Notes: June 3 amendments maintain requirement for nursing homes to engage infectious disease fellowship doctor, which prior amendments permit to be retained on a consultative basis. Infection preventionists requirement also remains and at least on a part-time basis for nursing facilities. Deadline to hire IP extended from October 1, 2021 to February 1, 2022. Waiver added for good faith effort but failure to find IP. Comprehensive personal care homes, residential health care facilities and dementia care homes moved from nursing facility requirements to separate assisted living provisions section. Requirement for these facilities to hire at least part time for individual facilities and full-time for up to five co-owned facilities. Deadline to hire IP extended from October 1, 2021 to February 1, 2022. Waiver added for good faith effort but failure to find IP.

7. Legislative Activity

- Bill:** A4238 Aca (1R)
Sponsors: Chiaravalloti (D31); Schaer (D36); Benson (D14) +6
Summary: Establishes minimum Medicaid reimbursement rate for adult medical day care services.
Related: 2020:S2561
History: 06/08/2020—Introduced and referred to Assembly Financial Institutions and Insurance Committee.
 03/08/2021—Reported out of committee with committee amendments, referred to Assembly Appropriations Committee.
 06/16/2021—Reported out of committee, 2nd reading in Assembly.
06/21/2021—Passed in Assembly 72-0-0. Received in Senate and referred to Senate Budget and Appropriations Committee.
Position: Monitor
- Bill:** A4957 Aca (1R)
Sponsors: Speight (D29); McKnight (D31); Vainieri Huttle (D37) +3
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.
 01/13/2021—Reported out of committee with committee amendments, 2nd reading in Assembly.
06/24/2021—Passed in Assembly 75-0-0.
 06/28/2021—Received in Senate and referred to Senate Health, Human Services and Senior Citizens Committee.
Position: Monitor
- Bill:** S867 Sca (1R)
Sponsors: Pou (D35) +1
Summary: Permits physical therapists to perform dry needling under certain circumstances.
Related: 2020:A2316
History: 01/14/2020—Introduced and referred to Senate Commerce Committee.
06/16/2021—Reported out of committee with committee amendments, 2nd reading in Senate.
 06/17/2021—Referred to Senate Budget and Appropriations Committee.
Position: Support
- Bill:** S3700
Sponsors: Pou (D35)
Summary: Clarifies that any State entity that issues professional or occupational licenses will not require individuals to demonstrate lawful presence in New Jersey to obtain professional or occupational licensure.
Related: 2020:A5739
History: 04/26/2021—Introduced and referred to Senate Commerce Committee.
 05/13/2021—Reported out of committee, 2nd reading in Senate.
06/30/2021—Passed in Senate 24-12.
Position: Monitor

Bill: S3827 Sca (1R)

Sponsors: Weinberg (D37)

Summary: **Provides temporary paid earned sick leave to workers during coronavirus disease 2019 pandemic.**

History: 06/01/2021—Introduced and referred to Senate Labor Committee.

06/10/2021—Reported with committee amendments. Referred to Senate Budget and Appropriations Committee.

Position: Review

Note: This bill requires employers to provide paid earned sick leave to employees in the State to address employee leave issues that have resulted from the coronavirus disease 2019 pandemic. The leave provided under the bill is to be provided *in addition to* the earned sick leave that is required by P.L.2018, c.10 (C.34:11D-1 et seq.).

The bill requires employers to provide additional earned sick leave to each employee if the employee is unable to work, either onsite or remotely, for reasons for leave described in paragraphs of subsection e. of section 6 of the bill numbered as follows:

1. The employee is subject to a federal, State, or local quarantine or isolation order related to coronavirus disease 2019;

2. The employee has been advised by a healthcare provider to self-quarantine due to concerns related to the virus;

3. The employee has symptoms of the virus and seeks a medical diagnosis, the employee who has been exposed to the virus is seeking or awaiting the results of a diagnostic test, the employee's employer has requested that test or diagnosis, or an employee immunized for the virus is recovering from any condition related to the immunization;

4. The employee is caring for an individual who is subject to any of the above;

5. The employee is caring for a child or family member because a school or place of care has been closed, or the care provider of the child or family member is unavailable, due to virus-related precautions; or

6. The employee is experiencing a substantially similar condition specified by federal authorities.

Employees, after the effective date of the bill, may, but are not required to, use other paid sick leave to which they are entitled before using the leave provided by the bill. Employees may obtain paid sick leave benefits under the bill retroactively for the period from January 1, 2021 until the effective date of the bill, but the amount of retroactive benefits would be reduced by any paid sick leave benefits provided by the employer during that period.

8. Legislation Introduced

Bill: A5908

Sponsors: Stanley (D18) +1

Summary: Requires county boards of health to ensure on-site COVID-19 vaccines are available to persons age 65 and older residing in certain facilities; appropriates \$2 million.

Related: 2020:S3886

History: 06/21/2021—Introduced and referred to Assembly Senior Services Committee.

Position: Support

Bill: A5952

Sponsors: Conaway (D7)

Summary: Establishes cause of action for residents of assisted living facilities and comprehensive personal care home providers.

History: 06/24/2021—Proposed for introduction.

Position: Review

Bill: S3886

Sponsors: Beach (D6)

Summary: Requires county boards of health to ensure on-site COVID-19 vaccines are available to persons age 65 and older residing in certain facilities; appropriates \$2 million.

Related: 2020:A5908

History: 06/10/2021—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.

Position: Support

Bill: S3890

Sponsors: Gopal (D11)

Summary: Creates presumption regarding standard of care for certain persons and entities in legal actions relating to coronavirus disease pandemic.

History: 06/10/2021—Introduced and referred to Senate Judiciary Committee.

Position: Review

Note: This bill would establish a rebuttable presumption for business entities, including non-profits, and their officers, employees, agents, and volunteers, regarding the applicable standard of care in civil actions and administrative proceedings relating to a person's exposure to COVID-19, or a related viral strain to that virus or a disease caused by the related viral strain in subsequent years. The immunity against liability created by the rebuttable presumption would be based on good faith reasonable compliance with or exceeding applicable health and safety measures to prevent or mitigate a person's exposure, which are in effect at the time of an alleged exposure, and which measures are based on guidance, regulations, rules, and administrative orders promulgated by applicable federal or State departments, divisions, commissions, boards, bureaus, or agencies, as well as applicable Executive Orders or portions of those orders issued by the Governor.

Bill: S3946
Sponsors: Vitale (D19)
Summary: Requires each principal department in Executive Branch to conduct review of department's COVID-19 preparedness, response, and recovery and make recommendations.
History: 06/15/2021—Introduced and referred to Senate State Government, Wagering, Tourism and Historic Preservation Committee.
Position: Monitor

Bill: S3996
Sponsors: Turner (D15)
Summary: Allows temporary corporation business tax and gross income tax credits for businesses that provide hiring bonuses to targeted employees.
History: 06/24/2021—Introduced to Senate Budget and Appropriations Committee.
Position: Review
Notes: Targeted employees include recipients of Temporary Assistance to Needy Families benefits, qualified veterans, qualified ex-felons, designated community residents, qualified recipients of the Supplemental Nutrition Assistance Program, qualified recipients of Supplemental Security Income, qualified recipients of long-term unemployment, and certain other persons.