

**HCANJ BUSINESS MEETING
LEGISLATIVE AND REGULATORY UPDATE
March 9, 2022**

1. Rule Adoptions

- **The State Board of Nursing published notice of its June 5, 2020 adoption with non-substantial changes of amendments and new rules at N.J.A.C. 13:37-1 and 2.3 concerning nurse education programs.**

The approved amendments require nursing program administrators to have three years of experience with a background in developing curriculum; limit the body of graduates that will affect a nursing program's licensing examination pass rate; delete requirements that faculty members who teach online have a New Jersey license; and require half of the faculty in practical nursing programs to hold master's degrees. The Board indicated that these amendments and new rules recognize the ongoing evolution of the role of registered professional nurses and licensed practical nurses and have the goal of ensuring that individuals entering the nursing profession receive a high-quality education that equips them to provide nursing services in a safe and effective manner.

Notice of this adoption appears in the January 18, 2022 *New Jersey Register* at 54 N.J.R. 152 (b). The rule changes took effect January 18, 2022.

- **The Department of Labor and Workforce Development published notice of adoption of amendments proposed on February 1, 2021 at N.J.A.C. 12:56-2.1 and 3.1, and a new rule at N.J.A.C. 12:56-3.7, to implement P.L. 2020, c. 89, amending the New Jersey Wage and Hour Law to establish a minimum hourly wage for long-term care facility direct care staff members that is \$ 3.00 higher than the minimum hourly wage.**

Notice of this adoption appears in the February 22, 2022 *New Jersey Register* at 54 N.J.R. 364 (a). The effective date was February 22, 2022.

2. Rule Proposals

- **The Board of Nursing proposed new rules at N.J.A.C. 13:37-5.4 and 14.18 to prohibit nurses and certified homemaker-home health aides, respectively, from having power of attorney over patients or clients and from accepting loans from patients or clients.**

The proposed new rules also require that, when a nurse or certified homemaker-home health aide receives a gift worth more than \$ 50.00 from patients or clients, the nurse or certified homemaker-home health aide must document the receipt of the gift and include the name and signature of the patient, patient's family, or patient's guardian who provided the gift. Failure to comply with the requirements of the proposed new rule would be deemed professional misconduct pursuant to N.J.S.A. 45:1-21, subjecting the nurse or certified homemaker-home health aide to discipline by the Board.

Notice of this proposal, **PRN 2022-019**, appears in the February 22, 2022 *New Jersey Register* at 54 N.J.R. 336 (a). **Written comments on the proposal are due to the board by April 23, 2022.**

3. Public Notices

- **The Department of Health Certificate of Need and Licensing Division published notice of its determination to grant a petition for rulemaking concerning approval of a nurse aide in long-term care facilities training programs, specifically regarding eligibility criteria for instructor/evaluators in training programs.**

The petition was submitted March 29, 2021 by the Health Care Association of New Jersey, the New Jersey Hospital Association, Leading Age New Jersey and Delaware, the New Jersey Business and Industry Association as well as county college and vocational-technical school organization.

The petition requested, in essence, that the Department relax the requirements at N.J.A.C. 8:39-43.10(m) to mirror the nurse aide instructor requirements provided in federal law at 42 CFR 483.152(a)(5). The Department will initiate rulemaking within 90 days of granting this petition.

Notice of this action appears in the February 7, 2022 *New Jersey Register* at 54 N.J.R. 284 (a).

4. Legislation Acted Upon by Governor

- None to report.

5. Legislation on Governor's Desk

- None to report.

6. Legislative Activity

Bill: A315

Sponsors: Dancer (R12); Mukherji (D33); Tucker (D28) +3

Summary: Requires professional boards to issue licenses for veterans with good standing license or certification in another jurisdiction under certain circumstances.

Related: 2020:A4074; 2018:A4720

History: 01/11/2022—Introduced; referred to Assembly Military & Veterans' Affairs Comm.
02/07/2022—Reported out of committee, referred to Assembly Regulated Professions Committee.

Position: Monitor

Bill: A1311

Sponsors: Greenwald (D6); Chaparro (D33); Moen (D5) +4

Summary: Establishes healthcare careers pilot program for certain institutions of higher education and proprietary schools.

Related: 2020:A5688; 2020:S3818

History: 01/11/2022—Introduced and referred to Assembly Higher Education Committee.
02/03/2022—Reported out of committee, referred to Assembly Appropriations Committee.

Position: Support

Bill: S144 Sa (1R)

Sponsors: Diegnan (D18); Beach (D6) +4

Summary: Establishes "COVID-19 Frontline and Healthcare Worker Memorial Commission."

Related: 2022:A2159; 2020:A6023; 2020:S3311

History: 01/11/2022—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.

02/03/2022—Reported out of committee, 2nd reading in Senate.

02/14/2022—Amended on Senate floor, 2nd reading in Senate 29-0 (Diegnan).

Scheduled: 03/03/2022—Passed Senate 39-0.

Position: Monitor

Bill: S315 Sca (1R)
Sponsors: Vitale (D19); Codey (D27) +4
Summary: Concerns employment security during changes in control of health care entities.
Related: 2020:A6015; 2020:S4048
History: 01/11/2022—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.
02/03/2022—Reported out of committee with committee amendments, 2nd reading in Senate.
Position: Oppose

Bill: S760 Sa (1R)
Sponsors: Pou (D35); Gill (D34)
Summary: Expands number of health care professions profiled under "New Jersey Health Care Consumer Information Act."
History: 01/11/2022—Introduced and referred to Senate Commerce Committee.
02/10/2022—Reported out of committee, 2nd reading in Senate.
 03/03/2022—Amended on Senate floor, 2nd reading in Senate by voice vote (Pou).
Position: Review
Note: Amends the “New Jersey Health Care Consumer Information Act,” by requiring the Division of Consumer Affairs to maintain publicly-accessible profiles of all health care professionals licensed by the division. Currently, only physicians, podiatrists, and optometrists have such profiles.

Bill also expands the information collected for a profile on a health care professional to include: 1) restrictions placed on health care professionals in New Jersey-based or out-of-State facilities; 2) any Medicare or Medicaid exclusions; 3) any actions taken by federal regulators such as the U.S. Food and Drug Administration or Drug Enforcement Agency; and 4) any other information required pursuant to regulation from the Division of Consumer Affairs.

Bill: S1104
Sponsors: Stanfield (R8); Pou (D35) +3
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: 2022:A2956; 2020:A3184; 2020:S279; 2018:S4180
History: 01/31/2022—Introduced and referred to Senate Commerce Committee.
 02/10/2022—Reported out of committee, 2nd reading in Senate.
03/03/2022—Passed in Senate 39-0.
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 in another jurisdiction which the board determines has licensure requirements 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.

7. Legislation Scheduled

Bill: A583

Sponsors: Spearman (D5); Quijano (D20) +2

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: 2022:S1485; 2020:A1534; 2020:S1573; 2018:A5421; 2018:S3952

History: 01/11/2022—Introduced and referred to Assembly Labor Committee.

Scheduled: 03/10/2022—Assembly Labor Committee.

Position: Support

Bill: S1006

Sponsors: Ruiz (D29); Greenstein (D14)

Summary: Requires DEP, DOH, owners or operators of public water systems, and owners or operators of certain buildings to take certain actions to prevent and control cases of Legionnaires' disease.

Related: 2022:A2836; 2020:A1075; 2020:S695; 2018:A5636; 2018:S3965

History: 01/31/2022—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.

Scheduled: 03/10/2022—Senate Health, Human Services and Senior Citizens Committee.

Position: Monitor

Bill: S1139

Sponsors: Gopal (D11)

Summary: Provides corporation business tax credit to long-term care facilities that pay for the training and certification of certified nurse aide.

Related: 2022:A2766; 2020:S1243; 2018:S3319

History: 01/31/2022—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.

Scheduled: 03/10/2022—Senate Health, Human Services and Senior Citizens Committee.

Position: Seek Amendments

Notes: Support, but seek amendment to add credit against the New Jersey gross income tax.

Bill: S2118

Sponsors: Vitale (D19); Codey (D27)

Summary: Requires DHS to conduct annual Medicaid eligibility redeterminations.

Status: 03/03/2022 – Senate Health, Human Services and Senior Citizens Committee

History: 03/03/2022—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.

Scheduled: 03/10/2022—Senate Health, Human Services and Senior Citizens Committee.

Position: Review

8. Legislation Introduced

Bill: A358

Sponsors: Dunn (R25); Murphy (D7) +2

Summary: "Sally's Law"; establishes testing and visitation requirements and employment restrictions for long-term care facilities in response to outbreaks of infectious disease.

Related: 2022:S236; 2020:A4657; 2020:S2897

History: 01/11/2022—Introduced and referred to Assembly Senior Services Committee.

Position: Review

Comments: Conflicts with CMS QSO memos and the current testing, visitation guidelines.

- Requires that all staff employed by or providing services at a long-term care facility be tested for active infection.
- Requires long-term care facilities to establish designated spaces for the isolation of residents who have tested positive for or were exposed to infectious disease and, to the extent possible, that no more than one resident is housed in each residential room in the facility.
- Allows long-term care facility residents to designate up to two individuals who will be authorized to engage in indoor visitation with the resident. A resident may not change the designated visitors during this period except in the case of the death of a designated visitor.
- Visitation is to take place in the resident's room, if the resident does not have a roommate, or in a designated visitation area, if the resident has one or more roommates.
- Requires that all visitors be screened for signs and symptoms of the infectious disease. First time designated visitors required to undergo a rapid-result test for the infectious disease.
- Visitations not allowed unless the Department of Health has completed an in-person inspection of the facility and deemed the facility is in compliance with requirements of bill and all applicable infection prevention and control requirements.

Bill: S236

Sponsors: Pennacchio (R26); Bucco (R25) +2

Summary: "Sally's Law"; establishes testing and visitation requirements and employment restrictions for long-term care facilities in response to outbreaks of infectious disease.

Related: 2022:A358; 2020:A4657; 2020:S2897

History: 01/11/2022—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.

Position: Review

Bill: A590
Sponsors: Spearman (D5); McKnight (D31) +1
Summary: Increases, over three years, Medicaid per diem rate for certain assisted living residences, comprehensive care homes, and assisted living programs; makes appropriation.
Related: 2022:S405; 2022:S1934; 2020:A6057
History: 01/11/2022—Introduced and referred to Assembly Senior Services Committee.
Position: Support

Bill: S405
Sponsors: Johnson (D37)
Summary: Increases, over three years, Medicaid per diem rate for certain assisted living residences, comprehensive care homes, and assisted living programs; makes appropriation.
Related: 2022:A590; 2022:S1934; 2020:A6057
History: 01/11/2022—Introduced; Senate Health, Human Services & Senior Citizens Comm.
Position: Support

Bill: A1514
Sponsors: McKnight (D31); Benson (D14)
Summary: Requires each nursing home to employ patient advocate.
Related: 2022:S1040; 2020:A4406; 2020:S2795
History: 01/11/2022—Introduced and referred to Assembly Senior Services Committee.
Position: Oppose

Bill: S1040
Sponsors: Vitale (D19)
Summary: Requires each nursing home to employ patient advocate.
Related: 2022:A1514; 2020:A4406; 2020:S2795
History: 01/31/2022—Introduced; Senate Health, Human Services & Senior Citizens Comm.
Position: Oppose

Bill: A2570
Sponsors: Murphy (D7)
Summary: Requires licensed providers of long-term skilled nursing care to establish permanent morgue for use in non-emergent periods and supplemental morgue space for use in public emergencies.
Related: 2022:S462; 2020:A4162; 2020:S2483
History: 02/14/2022—Introduced and referred to Assembly Senior Services Committee.
Position: Oppose

Bill: S462
Sponsors: Sacco (D32); Codey (D27)
Summary: Requires licensed providers of long-term skilled nursing care to establish permanent morgue for use in non-emergent periods and supplemental morgue space for use in public emergencies.
Related: 2022:A2570; 2020:A4162; 2020:S2483
History: 01/11/2022—Introduced; Senate Health, Human Services & Senior Citizens Comm.
Position: Oppose

- Bill:** A2585
Sponsors: Sawyer (R3); Dancer (R12) +4
Summary: Prohibits discrimination against corrections workers, first responders, and health care workers who have not received a COVID-19 vaccine or booster.
Related: 2022:S1973
History: 02/14/2022—Introduced and referred to Assembly Health Committee.
02/28/2022—Motion for order of the day (Sawyer). Motion to table bill 42-33-0 (Greenwald).
Position: Monitor
- Bill:** S1973
Sponsors: Durr (R3); Testa (R1)
Summary: Prohibits discrimination against corrections workers, first responders, and health care workers who have not received a COVID-19 vaccine or booster.
Related: 2022:A2585
History: 03/03/2022—Introduced; Senate Health, Human Services & Senior Citizens Comm.
Position: Monitor
- Bill:** A2763
Sponsors: Stanley (D18)
Summary: Requires infection control training for nursing home and assisted living administrator licensure and certification.
Related: 2022:S1074; 2020:A4862; 2020:S3042
History: 02/28/2022—Introduced and referred to Assembly Health Committee.
Position: Review
- Bill:** S1074
Sponsors: Vitale (D19)
Summary: Requires infection control training for nursing home and assisted living administrator licensure and certification.
Related: 2022:A2763; 2020:A4862; 2020:S3042
History: 01/31/2022—Introduced; Senate Health, Human Services & Senior Citizens Comm.
Position: Review
- Bill:** A2766
Sponsors: Stanley (D18); Jaffer (D16)
Summary: Provides corporation business tax credit to long-term care facilities that pay for the training and certification of certified nurse aide.
Related: 2022:S1139; 2020:S1243; 2018:S3319
History: 02/28/2022—Introduced and referred to Assembly Health Committee.
Position: Seek Amendments
Notes: Support, but seek amendment to add credit against the New Jersey gross income tax.

Bill: A2792
Sponsors: Conaway (D7); McKnight (D31)
Summary: Requires long-term care facility to post certain information on its Internet website regarding Office of State Long-Term Care Ombudsman.
Related: 2022:S1061; 2020:A5675; 2020:S4159
History: 02/28/2022—Introduced and referred to Assembly Health Committee.
Position: Review
Notes: Requires long-term care facilities to post on its website information about the Office of the State Long-Term Care Ombudsman, including information on role of the ombudsman in advocating for residents and ombudsman's contact information.

Bill: S1061
Sponsors: Vitale (D19)
Summary: Requires long-term care facility to post certain information on its Internet website regarding Office of State Long-Term Care Ombudsman.
Related: 2022:A2792; 2020:A5675; 2020:S4159
History: 01/31/2022—Introduced; Senate Health, Human Services & Senior Citizens Comm.
Position: Review

Bill: A2865
Sponsors: Benson (D14)
Summary: Establishes process for independent informal dispute resolution hearings in DOH.
Related: 2022:S2178; 2020:A1364; 2020:S575; 2018:A5200; 2018:S3559
History: 02/28/2022—Introduced and referred to Assembly Health Committee.
Position: Support

Bill: S2178
Sponsors: Madden (D4)
Summary: Establishes process for independent informal dispute resolution hearings in DOH.
Related: 2022:A2865; 2020:A1364; 2020:S575; 2018:A5200; 2018:S3559
History: 03/03/2022—Proposed for introduction.
Position: Support

Bill: A3199
Sponsors: Greenwald (D6); Sumter (D35); Jaffer (D16); Swain (D38); Benson (D14) +2
Summary: Establishes "Health Care Heroes Violence Prevention Act."
Related: 2022:S2008
History: 02/28/2022—Proposed for introduction.
Position: Support
Note: Establishes criminal offense of threats against health care professionals or health care facility employees. Establishes additional penalties for persons who commit assault against health care professionals or health care facility employees.

Bill: S2008
Sponsors: Singleton (D7); Madden (D4)
Summary: Establishes "Health Care Heroes Violence Prevention Act."
Related: 2022:A3199
History: 03/03/2022—Introduced and referred to Senate Judiciary Committee.
Position: Support

Bill: S413
Sponsors: Johnson (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; 2020:S3350
History: 01/11/2022—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.
Position: Support
Notes: This policy was prompted due to assisted living programs experiencing difficulties receiving reimbursement for established residents who had been determined financially and clinically eligible for Medicaid services, but who were awaiting enrollment in a MCO.

Bill: S710
Sponsors: Codey (D27); Gopal (D11)
Summary: Requires nursing homes to permit use of electronic monitoring devices at request of resident.
Related: 2022:A2335; 2020:A2183; 2020:S556; 2018:A2593; 2018:S3704; 2016:A2079; 2014:A2578; 2012:A3068; 2012:S669; 2010:S2878
History: 01/11/2022—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.
Position: Oppose
Notes: Minimally, amend to ensure other patients' right to privacy and remove liability for facilities.

Bill: S831
Sponsors: Durr (R3); Pennacchio (R26) +1
Summary: Prohibits certain entities from requesting or requiring provision of personal health information.
History: 01/18/2022—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.
Position: Monitor

Bill: S838
Sponsors: Corrado (R40)
Summary: Requires long-term care facilities to submit reports regarding residents with disabilities.
Related: 2020:A5253; 2020:S3369
History: 01/18/2022—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.
Position: Review
Comments: This bill requires each long-term care facility [within 60 days of enactment] to report the total number of residents with a disability, the number of residents with each category of disability, which categories are to be determined by the Department of Health in consultation with the Department of Human and the ranges in age of residents with each category of disability. Thereafter, a long-term care facility is to report to the Department of Health whenever there is a change in the total number of residents with a disability, the number of residents with each category of disability, and the ranges in age of residents with each category of disability.

Bill: S1250
Sponsors: Greenstein (D14)
Summary: Allows long-term care facility employees to accrue paid sick leave.
Related: 2020:A4483; 2020:S2786
History: 02/03/2022—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.
Position: Monitor

Bill: S1490
Sponsors: Gopal (D11)
Summary: Permits use of automated dispensing devices in long-term care facilities and hospice care programs.
Related: 2020:A5837; 2020:S3833
History: 02/10/2022—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.
Position: Support

Bill: SR48
Sponsors: Gill (D34); Pennacchio (R26) +13
Summary: Establishes special committee of Senate entitled "New Jersey Nursing Home Pandemic Response Investigation Committee."
History: 02/10/2022—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.
Position: Monitor