

**HCANJ BUSINESS MEETING
LEGISLATIVE AND REGULATORY UPDATE
May 11, 2022**

1. Rule Adoptions

- **The Division of Medical Assistance and Health Services readopted with amendments and repeals the regulations concerning the provision of transportation services to Medicaid/FamilyCare beneficiaries, N.J.A.C. 10:50.** The most significant of approved changes repeal or amend specific text dealing with non-emergency transportation services because these services are no longer provided by Medicaid/NJ FamilyCare-enrolled providers, but are arranged for by a transportation broker(s) under contract with the Department.

Notice of this adoption appears in the April 4, 2022 *New Jersey Register* at 54 N.J.R. 620 (b). The readoption took effect March 3, 2022 and the amendments and repeals on April 4, 2022.

2. Rule Proposals

- **The New Jersey Division of Consumer Affairs had proposed New Rules N.J.A.C. 13:45C-4.1, 4.2, and 4.3 concerning discrimination in licensed professions and occupations.**

The purpose of this rulemaking is to clarify and firmly establish that prohibited discrimination, harassment, and retaliatory conduct by holders of professional and occupational licenses and certificates (licensees) constitute professional or occupational misconduct, subject to discipline by the relevant licensing boards and committees. The proposal notice indicates that only three boards currently have explicit antidiscrimination regulations: the Board of Social Work Examiners, N.J.A.C. 13:44G-10.7(e); the Alcohol and Drug Counselor Committee, N.J.A.C. 13:34C-1.9(b)5; and the Board of Psychological Examiners, N.J.A.C. 13:42-10.4(d).

Notice of this proposal, PRN 2022-031, appears in the March 7, 2022 *New Jersey Register* at 54 N.J.R. 408 (a). Written comments were due May 6, 2022.

- **The New Jersey Board of Respiratory Care has proposed the readoption with amendments of N.J.A.C.13:44F, governing its licensees.**

The Board proposes amending N.J.A.C. 13:44F-8.1 to reduce the fee for a duplicate license from \$50.00 to \$25.00. The Board also proposes to amend N.J.A.C. 13:44F-8.5 to require licensees to provide the Board with their business address and to update the Board when either a residential or business address changes. Also proposed is an amendment at N.J.A.C. 13:44F-10.2 to recognize nine examinations that can be completed in order to obtain continuing education credits and to recognize that licensees earn 10 credits for completing such examinations (rather than one credit).

Notice of this proposal, PRN 2022-046, appears in the April 4, 2022 *New Jersey Register* at 54 N.J.R. 525 (a). Written comments are due to the Board June 3, 2022.

3. **Public Notices**

- **The Board of Nursing published notice that it ceased accepting applications for accreditation from practical nursing programs on March 2, 2009,** pursuant to a notice published at 41 N.J.R. 1112(a). The Board took this action in response to the overwhelming number of accreditation applications it received and its concerns regarding the ability of these programs to provide students with the education and experiences necessary to safely and effectively practice as licensed practical nurses.

This notice appeared in the March 21, 2002 *New Jersey Register* at 54 N.J.R. 500(a).

4. Legislation Enacted or on Governor's Desk

- None to report.

5. Legislative Activity

Bill: A583 Aca (1R)

Sponsors: Spearman (D5); Quijano (D20) +3

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.**

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

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

03/10/2022—Reported out of committee with committee amendments, referred to Assembly Commerce and Economic Development.

Position: Support

Bill: A590

Sponsors: Spearman (D5); McKnight (D31); Haider (D37) +2

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.

05/09/2022—Reported out of committee, referred to Assembly Appropriations.

Position: Support

Note: Bill applies to assisted living facilities, comprehensive personal care homes, and assisted living programs that have a Medicaid population exceeding 50 percent of the facility's beds/capacity.

If enacted, ALF, CPCH, and ALP per diem rates would immediately be no less than \$94, \$84, and \$73, respectively. On July 1, 2022 rates would increase to no less than \$104, \$92, and \$81, and on July 1, 2023 and in each subsequent fiscal year, rates would be no less than \$114, \$104, and \$94, respectively.

Bill: A3199

Sponsors: Greenwald (D6); Sumter (D35); Jaffer (D16); Swain (D38); Benson (D14) +3

Summary: **Establishes "Health Care Heroes Violence Prevention Act."**

Related: 2022:S2008

History: 03/07/2022—Introduced to Assembly Law and Public Safety Committee.

05/09/2022—Reported out of committee with committee amendments, referred to Assembly Appropriations Committee.

Position: Seek Amendments

Notes: Sought amendment to exclude nursing facilities from having to post notice that it is a crime to assault a health care professional or facility volunteer. Committee statement clarified that a person who lacks capacity to understand the proceedings against him or her or to assist in his or her own defense cannot be tried, convicted, or sentenced for the commission of an offense so long as the incapacity endures.

Bill: S144 SaAca (2R)
Sponsors: Diegnan (D18); Beach (D6); Egan (D17); Danielsen (D17); Park (D37) +9
Summary: Establishes "COVID-19 Frontline and Healthcare Worker Memorial Commission."
Related: 2022:A2159; 2020:A6023; 2020:S3311
History: 01/11/2022—Introduced to Senate Health, Human Services & Senior Citizens Com.
 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).
 03/03/2022—Passed in Senate 39-0.
 03/07/2022—Received in Assembly State and Local Government Committee.
 03/17/2022—Reported with committee amendments, 2nd reading in Assembly.
03/24/2022—Substituted for A-2159 (1R). Passed in Assembly 77-0-0.
Position: Monitor

Bill: S315 ScaSa (2R)
Sponsors: Vitale (D19); Codey (D27) +4
Summary: Concerns employment security during changes in control of health care entities.
Related: 2022:A3684; 2020:A6015; 2020:S4048
History: 01/11/2022—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.
 02/03/2022—Reported with committee amendments, 2nd reading in Senate.
03/24/2022—Amended on Senate floor, 2nd reading in Senate 25-0 (Vitale).
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).
03/24/2022—Passed in Senate 35-1. Received in Assembly and referred to Assembly Health Committee.
Position: Monitor
Notes: This bill would amend 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.

The bill would also expand 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: S1006 Sca (1R)
Sponsors: Ruiz (D29); Greenstein (D14)
Summary: Requires DEP, DOH, owners or operators of certain 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.
03/10/2022—Reported out of committee with committee amendments, 2nd reading in Senate. Referred to Senate Budget and Appropriations Committee.
Position: Monitor

Bill: S1139 Sca (1R)
Sponsors: Gopal (D11)
Summary: Provides tax credit to long-term care facilities that pay for 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.
03/10/2022—Reported out of committee with committee amendments, 2nd reading in Senate. Referred to Senate Budget and Appropriations Committee.
Position: Support
Notes: **Bill was amended at HCANJ request to add credit against the New Jersey gross income tax due in addition to original corporate income tax credit only.**

Bill: S2118 Sca (1R)
Sponsors: Vitale (D19); Codey (D27)
Summary: Requires DHS to conduct annual Medicaid eligibility redeterminations.
Related: 2022:A3678
History: 03/03/2022—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.
03/10/2022—Reported out of committee with committee amendments, 2nd reading in Senate.
03/24/2022—Passed in Senate 35-1. Received in Assembly and referred to Assembly Military and Veterans' Affairs Committee.
Position: Monitor

6. Legislation Scheduled

Bill: A3035
Sponsors: Dancer (R12)
Summary: Increases personal needs allowance to \$100 for low-income persons residing in certain facilities and provides for annual cost-of-living increase in allowance.
History: 02/28/2022—Introduced and referred to Assembly Human Services Committee.
Scheduled: 05/12/2022—Assembly Human Services 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.
Scheduled: 05/12/2022—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: S1033
Sponsors: Vitale (D19) +1
Summary: Establishes "Alzheimer's and Dementia Care Long-Term Planning Commission" in DHS.
Related: 2022:A2682; 2020:A4422; 2020:S2796
History: 01/31/2022—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.
Scheduled: 05/12/2022—Senate Health, Human Services & Senior Citizens Committee.
Position: Monitor
Notes: Senate president and Assembly Speaker appoint, respectively, a person representing a for-profit and a non-profit health care facility that offers memory care services.

Bill: S1459
Sponsors: Codey (D27); Ruiz (D29) +1
Summary: Requires discrimination prevention training for certain providers of services to senior citizens.
Related: 2022:A1169; 2020:A1058; 2020:S3552; 2018:A4427
History: 02/10/2022—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.
Scheduled: 05/12/2022—Senate Health, Human Services & Senior Citizens Committee.
Position: Monitor
Notes: Requires gender identity/sexual orientation discrimination training for new facility employees.

7. Legislation Introduced

Bill: A3571
Sponsors: Dunn (R25)
Summary: Requires health care facilities to screen health care workers and first responders for symptoms of post-traumatic stress disorder related to COVID-19 pandemic.
Related: 2022:S1761; 2020:A4173; 2020:S2490
History: 03/10/2022—Introduced and referred to Assembly Health Committee.
Position: Monitor

Bill: A3575
Sponsors: Sawyer (R3)
Summary: Prohibits State from requiring private businesses to confirm individuals received COVID-19 vaccine for entry.
Related: 2022:S592; 2020:A5610; 2020:S3674
History: 03/10/2022—Introduced and referred to Assembly Commerce and Economic Development.
Position: Review

Bill: A3582
Sponsors: McKnight (D31); Benson (D14)
Summary: Authorizes provision of adult day health services on remote basis.
Related: 2022:S1954; 2020:S4032
History: 03/10/2022—Introduced and referred to Assembly Health Committee.
Position: Monitor

Bill: A3622
Sponsors: Space (R24)
Summary: Establishes bipartisan task force to study response to COVID-19 in New Jersey.
Related: 2020:A6138
History: 03/17/2022—Introduced and referred to Assembly Health Committee.
Position: Monitor
Notes: Includes review the impact of the State’s COVID-19 response measures on nursing homes and nursing home residents.

Bill: A3678
Sponsors: Stanley (D18); Conaway (D7)
Summary: Requires DHS to conduct annual Medicaid eligibility redeterminations.
Related: 2022:S2118
History: 03/21/2022—Introduced and referred to Assembly Human Services Committee.
Position: Monitor

Bill: A3684
Sponsors: DeAngelo (D14)
Summary: Concerns employment security during changes in control of health care entities.
Related: 2022:S315; 2020:A6015; 2020:S4048
History: 03/21/2022—Introduced and referred to Assembly Health Committee.
Position: Oppose

Bill: A3802
Sponsors: Jasey (D27); Reynolds-Jackson (D15); Benson (D14)
Summary: Prohibits medical creditors from reporting medical debt to credit reporting agency.
Related: 2022:S2428
History: 05/02/2022—Introduced to Assembly Financial Institutions & Insurance Committee.
Position: Review
Notes: Prohibits medical creditors from reporting any portion of a medical debt to any collection or credit reporting agency, bureau, or data collection facility.

Bill: AR118
Sponsors: McKnight (D31)
Summary: Establishes special committee of General Assembly entitled "New Jersey Nursing Home Pandemic Response Investigation Committee."
Related: 2022:SR48
History: 03/08/2022—Introduced and referred to Assembly Health Committee.
 03/10/2022—Withdrawn from the files.
Position: Monitor

Bill: S2310
Sponsors: Cruz-Perez (D5)
Summary: Permits local health boards to require minimum temperature of 70 degrees from October through April in certain buildings occupied by seniors and disabled persons.
Related: 2020:S1508; 2018:S330; 2016:A2948; 2016:S716; 2014:A4817; 2014:S2796
History: 03/21/2022—Introduced to Senate Community and Urban Affairs Committee.
Position: Seek Amendments
Notes: Amend to exclude assisted living facilities. Already excludes nursing facilities.

Bill: S2369
Sponsors: Singer (R30)
Summary: Establishes minimum NJ FamilyCare reimbursement rate for traumatic brain injury special care nursing facilities; establishes enhanced NJ FamilyCare reimbursement rate for nursing facilities under certain circumstances; makes an appropriation.
History: 03/24/2022—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.
Position: Review
Notes: Establishes a minimum NJ FamilyCare reimbursement rate for traumatic brain injury special care nursing facilities of a base per diem reimbursement that is \$400 above the special care nursing facility's FY 2022 base per diem reimbursement rate.

The bill also establishes an enhanced NJ FamilyCare reimbursement rate for nursing facilities that voluntarily delicense beds that are part of an unimplemented certificate of need in order to create single occupancy rooms.

Bill: S2428
Sponsors: Codey (D27)
Summary: Prohibits medical creditors from reporting medical debt to credit reporting agency.
Related: 2022:A3802
History: 03/24/2022—Proposed for introduction.
Position: Review
Notes: Prohibits medical creditors from reporting any portion of a medical debt to any collection or credit reporting agency, bureau, or data collection facility.

Bill: S2456
Sponsors: Singer (R30)
Summary: Requires adult day care centers to provide reasonable accommodations for certain persons.
History: 03/24/2022—Proposed for introduction.
Position: Review

Bill: S2466
Sponsors: Vitale (D19)
Summary: Requires long-term care facilities to provide certain disability protection and advocacy agencies access to residents.
History: 03/24/2022—Proposed for introduction.
Position: Review