

**HCANJ BUSINESS MEETING
LEGISLATIVE AND REGULATORY UPDATE
April 19, 2023**

1. Rule Adoptions

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

First proposed in March 2022, this adoption clarifies that each of the more than 40 professional licensing boards have authority to discipline professionals who engage in unlawful discrimination and harassment or take retaliatory action against those who exercise rights under the anti-discrimination or civil rights laws. Prior to this adoption, only three boards had explicit antidiscrimination regulations: the Board of Social Work Examiners, the Alcohol and Drug Counselor Committee, and the Board of Psychological Examiners.

When the new rules were proposed, HCANJ signed onto a coalition comment letter raising several concerns and requested changes. These included:

- 1) Concern that licensing board members do not possess harassment training and urging creation of continuing education programs to ensure that claims of misconduct are properly addressed;
- 2) The need to ensure that the boards have proper resources and access to legal counsel with specific expertise to appropriately address claims;
- 3) Concern about a lack of transparency and need for boards to provide data on number of claims reviewed and actions taken in response;
- 4) The need to protect licensed professionals from false claims by revising the rule to state that filing a false claim would constitute professional misconduct and result in disciplinary action against professionals filing a false claim; and
- 5) Revising the rule to make binding on the professional boards any court determination that harassment, discrimination or retaliation by a licensed professional did not occur.

The Attorney General dismissed these concerns and requested changes to the new rules.

Notice of this adoption appears in the March 20, 2023 *New Jersey Register* at 55 N.J.R. 550(a). The new rules took effect March 20, 2023.

2. Rule Proposals

- None to Report

3. Health Care Administration Board Actions

- None to Report

4. Legislation Enacted

- None to Report

5. Legislation on Governor's Desk

Bill: A4772 AcaSca (2R)

Sponsors: Verrelli (D15); Egan (D17); DeAngelo (D14); Sarlo (D36); Madden (D4) +9

Summary: Concerns UI benefits during labor disputes.

Related: 2022:A4460; 2022:S3215

History: 10/17/2022—Introduced and referred to Assembly Labor Committee.
12/08/2022—Reported with committee amendments, 2nd reading in Assembly.
01/26/2023—Passed in Assembly 56-22-0. Received in Senate Labor Committee.
02/09/2023—Reported with committee amendments. Referred to Senate Budget.
03/06/2023—Reported out of committee, 2nd reading in Senate.
03/20/2023—Substituted for S-3215 (1R). Passed in Senate 25-11. Received in Assembly, 2nd reading in Assembly to concur with Senate amendments.
03/30/2023—Passed in Assembly and sent to Governor 54-19-0.

Position: Monitor

6. Legislative Activity

Bill: A833 Acs (ACS)

Sponsors: Jimenez (D32); Murphy (D7) +2

Summary: Waives certain professional and occupational licensing fees for veterans and spouses of veterans.

Related: 2022:S3151; 2020:A525; 2018:A373; 2016:A829; 2014:A2460; 2012:A4572

History: 01/11/2022—Introduced to Assembly Military and Veterans' Affairs Committee.
03/23/2023—Reported out of committee with committee substitute, referred to Assembly Appropriations Committee.

Position: Monitor

Bill: A4017 Aca (1R)

Sponsors: Benson (D14); McKnight (D31); Reynolds-Jackson (D15) +4

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.

Related: 2022:S2369

History: 05/16/2022—Introduced and referred to Assembly Human Services Committee.
03/23/2023—Reported out of committee with committee amendments, referred to Assembly Appropriations Committee.

Position: Support

Notes: Establishes a minimum NJ FamilyCare reimbursement rate 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 in order to create single occupancy rooms.

- Bill:** A4682 AcaAa (2R)
Sponsors: Schaer (D36); Timberlake (D34); Danielsen (D17) +17
Summary: Establishes employment protections for certain service employees during changes of ownership.
Related: 2022:S2389
History: 09/29/2022—Introduced and referred to Assembly Labor Committee.
 12/08/2022—Reported out of committee with committee amendments, referred to Assembly State and Local Government Committee.
03/20/2023—Reported out of committee, 2nd reading in Assembly.
03/30/2023—Amended on Assembly floor, 2nd reading in Assembly (Wimberly).
Position: Oppose
Notes: Already in place for health care facilities, which were removed from this legislation.
- Bill:** A4701
Sponsors: Pintor Marin (D29); Speight (D29); Schaer (D36) +6
Summary: Supplemental appropriation of \$3.6 million to DHS to increase adult medical day care Medicaid per diem rate from \$86.10 to \$89.54.
Related: 2022:S3144
History: 10/03/2022—Introduced and referred to Assembly Human Services Committee.
 01/19/2023—Reported out of committee, referred to Assembly Financial Institutions and Insurance Committee.
 03/09/2023—Reported out of committee, referred to Assembly Appropriations Committee.
03/23/2023—Reported out of committee, 2nd reading in Assembly.
Position: Monitor
- Bill:** A4754
Sponsors: Conaway (D7); Jimenez (D32); Sampson (D31) +3
Summary: Requires State Medicaid beneficiaries to notify county welfare agencies no later than 20 days of change of circumstances.
History: 10/03/2022—Introduced and referred to Assembly Health Committee.
 10/13/2022—Reported out of committee, referred to Assembly Human Services Committee.
03/23/2023—Reported out of committee, 2nd reading in Assembly.
Position: Monitor
Notes: This bill extends the time within which the beneficiary is required to report the change in circumstance from no later than two weeks to no later than 20 days.
- Bill:** A4923 Aca (1R)
Sponsors: Tucker (D28); Gove (R9); Danielsen (D17) +13
Summary: Requires converting portion of Paramus and Menlo Park veterans' memorial homes into single occupancy rooms; requires upgrades to ventilation systems; provides Adjutant General discretion for additional room considerations.
Related: 2022:S3492
History: 12/05/2022—Introduced and referred to Assembly Military and Veterans' Affairs Committee.
 01/23/2023—Reported out of committee with committee amendments, referred to Assembly Appropriations Committee.
03/23/2023—Reported out of committee, 2nd reading in Assembly.
Position: Monitor

Bill: A5179 Aca (1R)
Sponsors: Verrelli (D15); Murphy (D7); Benson (D14) +3
Summary: "Fire Life Safety Damper and Smoke Control System Inspection Verification Act"; Requires routine maintenance and periodic testing of smoke dampers, fire dampers, and smoke control systems in certain buildings by qualified personnel.

Related: 2022:S3516
History: 02/13/2023—Introduced and referred to Assembly State and Local Government Committee.
03/20/2023—Reported with committee amendments, 2nd reading in Assembly.
03/23/2023—Recommitted to Assembly Appropriations Committee. Reported out of committee, 2nd reading in Assembly.
03/30/2023—Passed in Assembly 74-0-0.

Position: Monitor

Bill: A5225 Aca (1R)
Sponsors: McKnight (D31); Speight (D29); Murphy (D7) +1
Summary: Provides for coverage of community-based palliative care benefits under Medicaid.

Related: 2022:S3729
History: 02/23/2023—Introduced and referred to Assembly Senior Services Committee.
03/20/2023—Reported out of committee with committee amendments, referred to Assembly Health Committee.

Position: Monitor

Bill: S1307 ScaScaAca (3R)
Sponsors: Beach (D6); Lampitt (D6); Verrelli (D15); McKnight (D31) +1
Summary: Establishes program for certain individuals to become certified as homemaker-home health aides and provide services to certain Medicaid enrollees.

Related: 2022:A3585; 2020:A5995; 2020:S3847
History: 02/03/2022—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.
10/31/2022—Reported out of committee with committee amendments, 2nd reading in Senate. Referred to Senate Budget and Appropriations Committee.
01/19/2023—Reported with committee amendments, 2nd reading in Senate.
02/02/2023—Passed in Senate 39-0.
02/06/2023—Received in Assembly Appropriations Committee.
03/23/2023—Reported with committee amendments, 2nd reading in Assembly.
03/30/2023—Substituted for A-3585 (2R). Passed in Assembly 66-1-6.

Position: Oppose
Notes: Allows a family member to be certified as a home health aide (bill originally stated certified nurse aide but was amended) and care for a Medicaid or Family Care enrollee under 21 years of age at home. They would work through a private duty nursing agency which would be paid \$30 an hour. HCANJ testimony stressed that the \$30 payment would attract staff and potential staff away from long term care facilities and further exacerbate our workforce shortage. Bill was amended at HCANJ's request to remove third party individuals and be limited to only family members. Request to establish minimum percentage that staffing agency must pay a family member home health aide was not included in the bill.

Bill: S3144
Sponsors: Gopal (D11); Ruiz (D29); Singer (R30) +3
Summary: Supplemental appropriation of \$3.6 million to DHS to increase adult medical day care Medicaid per diem rate from \$86.10 to \$89.54.
Related: 2022:A4701
History: 10/03/2022—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.
 02/13/2023—Reported out of committee, 2nd reading in Senate. Referred to Senate Budget and Appropriations Committee.
03/20/2023—Reported out of committee, 2nd reading in Senate.
Position: Monitor

Bill: S3516 Scs (SCS)
Sponsors: Cruz-Perez (D5); Turner (D15)
Summary: "Fire Life Safety Damper and Smoke Control System Inspection Verification Act"; Requires routine maintenance and periodic testing of smoke dampers, fire dampers, and smoke control systems in certain buildings by qualified personnel.
Related: 2022:A5179
History: 01/26/2023—Introduced and referred to Senate Economic Growth Committee. Reported out of committee, 2nd reading in Senate. Referred to Senate Budget and Appropriations Committee.
03/16/2023—Reported out of committee with committee substitute, 2nd reading in Senate.
Position: Monitor

7. Legislation Scheduled

- None to Report

8. Legislation Introduced

Bill: A5331
Sponsors: Conaway (D7)
Summary: Prohibits food service businesses from providing single-use plastic utensils and condiments to customers, except upon request, and requires certain food service businesses to provide reusable, washable utensils to customers eating on site.
History: 03/23/2023—Introduced and referred to Assembly Environment and Solid Waste Committee.
Position: Seek Amendments
Notes: Amend to permit use of plastic utensils during time of infectious outbreaks or outdoor recreational activities and family picnics.

Bill: A5349
Sponsors: Greenwald (D6)
Summary: Enters NJ in Social Work Licensure Compact.
History: 03/23/2023—Introduced and referred to Assembly Regulated Professions Committee.
Position: Support

Bill: S3729
Sponsors: Codey (D27)
Summary: Provides for coverage of community-based palliative care benefits under Medicaid.
Related: 2022:A5225
History: 03/16/2023—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.
Position: Monitor

Bill: S3742
Sponsors: Schepisi (R39)
Summary: Establishes annual cost of living adjustment, based on Consumer Price Index, to base Medicaid per diem rates for assisted living facilities, comprehensive personal care homes, and assisted living programs; makes appropriation.
History: 03/30/2023—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.
Position: Support

Bill: S3759
Sponsors: Cryan (D20)
Summary: Limits authority of DHS to impose liens and seek recovery from Medicaid recipient's estate after death.
Related: 2020:A1023; 2020:S885; 2018:A5064; 2018:S3489
History: 03/30/2023—Proposed for introduction.
Position: Monitor