

**HCANJ BUSINESS MEETING
LEGISLATIVE AND REGULATORY UPDATE
January 11, 2023**

1. Rule Adoptions

- **The Department of Human Services adopted with non-substantial changes, a new chapter, N.J.A.C. 10:53, Home and Community Based Services (HCBS) provided in Assisted Living Residences, Comprehensive Personal Care Homes, and Assisted Living Programs. HCANJ/NJALC supported this adoption**

The purpose of the new rules is to implement the Medicaid/NJ FamilyCare waiver for HCBS for Medicaid/NJ FamilyCare Managed Long-Term Services and Supports beneficiaries in assisted living residences, comprehensive personal care homes, and assisted living programs licensed by the Department of Health pursuant to N.J.A.C. 8:36. These programs remain bound by the Department of Health's licensing rules, but must also follow the rules in this chapter to the extent they are serving Medicaid/NJ FamilyCare beneficiaries. The adopted new chapter ensures that the service providers fulfill the HCBS waiver requirements at 42 CFR 441, in addition to the other CMS guidelines at 42 CFR Parts 430, 431, 435, 438, 440, and 447.

Some of the HCBS waiver provisions are already included in the Department of Health's licensing rules at N.J.A.C. 8:36. This chapter is a Medicaid supplement to the licensing rules to ensure all HCBS waiver provisions are codified, as required by the Center for Medicare and Medicaid Services, for the safety and welfare of beneficiaries, as well as for Medicaid provider enrollment and reimbursement.

Notice of this adoption, appears in the December 19, 2022 *New Jersey Register* at 54 N.J.R. 2389(a). The effective date is December 19, 2022.

2. Rule Proposals

- None to Report

3. Health Care Administration Board Actions

- None to Report

4. Public Notices

- None to Report

5. Legislation Enacted

- None to report.

6. Legislative Activity

Bill: A256 AcaAcaSa (3R)

Sponsors: Munoz (R21); DeFuccio (R39); Speight (D29); Madden (D4) +4

Summary: **Requires certain health care facilities to adopt and implement policies to prevent exposure to surgical smoke via use of smoke evacuation system.**

Related: 2022:S732; 2020:A3982; 2020:S4015

History: 01/11/2022—Introduced and referred to Assembly Health Committee.
 06/02/2022—Reported out of committee with committee amendments, referred to Assembly Labor Committee.
 10/17/2022—Reported out of committee with committee amendments, 2nd reading in Assembly.
 10/27/2022—Passed in Assembly 73-0-0.
 11/03/2022—Received in Senate w/o committee reference, 2nd reading in Senate.
 11/21/2022—Amended on Senate floor, 2nd reading in Senate by voice vote (Sarlo).
12/19/2022—Substituted for S-732 (2R). Passed in Senate 36-0.

Position: Monitor

Notes: Amended to exclude LTC.

Bill: A2722 AcaSca (2R)

Sponsors: Matsikoudis (R21); Sauickie (R12); Murphy (D7); Bramnick (R21); Gopal (D11) +11

Summary: **Permits veteran to receive credit toward licensure as licensed practical nurse upon completing certain military medical training programs.**

Related: 2022:S3191; 2020:A1383; 2020:S3278

History: 02/14/2022—Introduced and referred to Assembly Military and Veterans' Affairs Committee.
 09/22/2022—Reported out of committee with committee amendments, 2nd reading in Assembly.
 10/03/2022—Passed in Assembly 71-0-0. Received in Senate and referred to Senate Military and Veterans' Affairs Committee.
 11/07/2022—Reported out of committee with committee amendments, 2nd reading in Senate.
12/19/2022—Substituted for S-3191 (1R). Passed in Senate 37-0.

Position: Monitor

- Bill:** A4614
- Sponsors:** Greenwald (D6); Jasey (D27); Carter (D22); Lampitt (D6) +1
- Summary:** Modifies Nursing Faculty Loan Redemption Program.
- History:** 09/22/2022—Introduced and referred to Assembly Higher Education Committee.
12/12/2022—**Reported out of committee, referred to Assembly Health Committee.**
- Position:** Support
- Notes:** Bill modifies the Nursing Faculty Loan Redemption Program to increase participation rates in student loan redemption up to \$50,000 in exchange for full-time faculty employment at a school of nursing in the State for a five-year period following graduate program completion. The bill removes a provision of current law that limits program eligibility to participants who were hired for faculty employment within one year of completion of their academic degree. The bill also extends program eligibility to participants employed in part-time faculty positions. The bill establishes the loan redemption amounts that will be received by a participant for each year of participation in the program. Under the bill, for each year of full-time faculty employment at an eligible institution, the program will provide \$10,000 to a program participant, up to a maximum five years, for the redemption of eligible student loan expenses.
- Bill:** S1006 ScaSca (2R)
- 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.
10/31/2022—Reported out of committee with committee amendments, 2nd reading in Senate.
12/19/2022—**Passed in Senate 24-13.**
- Position:** Monitor
- Bill:** S1033 ScaSa (2R)
- Sponsors:** Vitale (D19); Ruiz (D29) +9
- Summary:** Establishes "Alzheimer's and Dementia Care Long-Term Advisory 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.
05/12/2022—Reported out of committee with committee amendments, 2nd reading in Senate.
11/21/2022—Amended on Senate floor, 2nd reading in Senate by voice vote (Sarfo).
12/19/2022—**Passed in Senate 37-0.**
- 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: S1522
Sponsors: Vitale (D19); Singleton (D7) +14
Summary: **Eliminates certain practice restrictions for advanced practice nurses.**
Related: 2022:A2286
History: 02/10/2022—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.
12/15/2022—Reported out of committee, 2nd reading in Senate.
Position: Monitor
Notes: Bill authorizes an APN with greater than 24 months or 2,400 hours of licensed, active advanced nursing practice to practice without a joint protocol with a collaborating provider.

Bill: S2428 Sca (1R)
Sponsors: Codey (D27); Pou (D35)
Summary: **Prohibits medical creditors from reporting medical debt to credit reporting agency.**
Related: 2022:A3802
History: 05/09/2022—Introduced and referred to Senate Commerce Committee.
12/19/2022—Reported with committee amendments, 2nd reading in Senate.
Position: Monitor
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: S3240 Sca (1R)
Sponsors: Vitale (D19)
Summary: **Requires automatic registration with New Jersey Immunization Information System upon administration of vaccine for certain persons who consent to registration.**
Related: 2022:A4112
History: 10/27/2022—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.
12/15/2022—Reported with committee amendments, 2nd reading in Senate.
Position: Monitor

7. Legislation Scheduled

Bill: A4484
Sponsors: Conaway (D7); McKnight (D31)
Summary: Revises reporting requirements for nursing homes concerning financial disclosures and ownership structure.
Related: 2022:S2769
History: 09/15/2022—Introduced and referred to Assembly Senior Services Committee.
Scheduled: 01/12/2023—Assembly Health Committee, 10:00 am.
Position: Oppose

Bill: A4913
Sponsors: Conaway (D7); Stanley (D18)
Summary: Requires health insurance carriers to reimburse health care providers using check or electronic funds transfer.
Related: 2022:S3133
History: 12/05/2022—Introduced and referred to Assembly Financial Institutions and Insurance Committee.
Scheduled: 01/12/2023—Assembly Health Committee, 10:00 am.
Position: Monitor

Bill: AR147
Sponsors: Conaway (D7); McKnight (D31)
Summary: Urges Centers for Medicare and Medicaid Services to increase access to skilled nursing facility and home office data.
Related: 2022:SR97
History: 06/02/2022—Introduced and referred to Assembly Health Committee.
Scheduled: 01/12/2023—Assembly Health Committee, 10:00 am.
Position: Monitor

8. Legislation Introduced

Bill: S3397
Sponsors: Thompson (R12)
Summary: Increases personal needs allowance to \$100 for low-income persons residing in certain facilities.
Related: 2022:A3035
History: 12/19/2022—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.
Position: Support