

**HCANJ BUSINESS MEETING  
LEGISLATIVE AND REGULATORY UPDATE  
July 12, 2023**

**1. Rule Adoptions**

- None to Report

**2. Rule Proposals**

- **The Department of Health has proposed amending Standards for Licensure of Long-Term Care Facilities to implement P.L. 2020, c. 112, codified at N.J.S.A. 30:13-18, the Act that establishing minimum staffing requirements for nursing homes. The proposed amendments are at N.J.A.C. 8:39, the rules governing the licensing of Long-Term Care Facilities, and N.J.A.C. 8:43E the General Licensure Procedures and Enforcement of Licensure Regulations.**

Specifically, the Department proposes to amend existing N.J.A.C. 8:39-1.2 definitions to add a definition of the term, “direct care staff member.” Proposed new N.J.A.C. 8:39-25.3, Mandatory Direct Care Staff-to-Resident Ratios, would implement the minimum staffing requirements of the Act. Proposed new N.J.A.C. 8:39-25.3(a) would establish minimum direct care staffing standards for nursing homes to follow on day, evening, and night shifts, and the minimum number of certified nurse aides (CNA) on each such shift. Proposed new subsection (a) also would require staff members who are assigned CNA duties to perform CNA duties and would authorize a facility to assign a registered nurse or licensed practical nurse to perform CNA duties on each shift to meet the CNA staffing requirement. Proposed new subsection (b) would provide that a facility shall have nine consecutive shifts after a change in the census that requires one or more additional direct care staff members to be assigned to a shift. Proposed new subsection (c) would provide the standards for the computation of staffing levels for direct care staff members. Proposed new subsection (d) would establish that a nursing home may always staff above the minimum standards set by this rule.

The Department proposes to amend existing N.J.A.C. 8:39-43.1 Nurse aide competency to provide that a certified homemaker-home health aide who is also enrolled in a qualified certified nurse aide program and is working toward certification as a certified nurse aide would be able to work as a CNA in a licensed nursing home.

Notice of this proposal, PRN 2023-058, appears in the June 29, 2023 *New Jersey Register* at 55 N.J.R. 1249 (2). Written comments are due to the Department by August 19, 2023.

**3. Health Care Administration Board Actions**

- None to Report

#### 4. Legislation Enacted

**Bill:** A4701 w/GR (1R)

**Sponsors:** Pintor Marin (D29); Speight (D29); Schaer (D36); Gopal (D11); Ruiz (D29); Singer (R30) +16

**Summary:** Amends Fiscal Year 2024 appropriations act to allocate \$25 million from “New Jersey Affordable Housing Trust Fund” to support construction and rehabilitation of low- and moderate-income housing.

**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.  
 05/25/2023—Passed in Assembly 74-0-0.  
 06/01/2023—Received in Senate w/o committee reference, 2nd reading in Senate.  
 06/20/2023—Substituted for S-3144. Passed in Senate and sent to Governor 37-0.  
**06/30/2023**—Governor's conditional veto rcvd in Assembly, 2nd reading in Assembly to concur w/Governor's recommendations. Motion Waive 22:5 74-0-0 (Pintor Marin). Passed in Assembly 76-0-0. Received in Senate, 2nd reading in Senate to concur with Governor's recommendations. Passed in Senate and sent to Governor 36-0. **Signed by the Governor P.L.2023, c.83.**

**Position:** Monitor

**Bill:** A5082 AcaAcaAca (3R)

**Sponsors:** Greenwald (D6); Mukherji (D33); McKnight (D31); Lagana (D38); Gopal (D11) +13

**Summary:** Establishes Medicaid per diem rate for pediatric medical day care services delivered by provider offering on-site services; appropriates \$3.6 million to DHS.

**Related:** 2022:S3587

**History:** 01/19/2023—Introduced and referred to Assembly Human Services Committee.  
 06/08/2023—Reported out of committee with committee amendments, referred to Assembly Appropriations Committee.  
 06/22/2023—Reported out of committee with committee amendments, 2nd reading in Assembly.  
 06/27/2023—Recommitted to Assembly Budget Committee. Reported out of committee with committee amendments, 2nd reading in Assembly.  
**06/30/2023**—Passed in Assembly 78-0-0. Received in Senate w/o committee reference, 2nd reading in Senate. Substituted for S-3587 (1R). Passed in Senate and sent to Governor 36-0. **Signed by the Governor P.L.2023, c.85.**

**Position:** Support

**Bill:** A5584  
**Sponsors:** Jimenez (D32); Freiman (D16); Moriarty (D4); Johnson (D37); Turner (D15)  
**Summary:** **Revises New Jersey False Claims Act to comply with federal law for purposes of entitling State to enhanced recovery in Medicaid fraud cases.**  
**Related:** 2022:S4018  
**History:** 06/08/2023—Introduced and referred to Assembly Judiciary Committee.  
06/27/2023—Transferred to Assembly Budget Committee. Reported out of committee, 2nd reading in Assembly.  
**06/30/2023**—Passed in Assembly 78-0-0. Received in Senate w/o committee reference, 2nd reading in Senate. Substituted for S-4018. Passed in Senate and sent to Governor 36-0. **Signed by the Governor P.L.2023, c.73.**

**Position:** Monitor

**Bill:** A5669 (LIV)  
**Sponsors:** Pintor Marin (D29); Wimberly (D35); Sarlo (D36)  
**Summary:** **Appropriates \$54,357,547,000 in State funds and \$26,144,171,463 in federal funds for the State budget for fiscal year 2023-2024.**  
**Related:** 2022:S2024  
**History:** 06/28/2023—Introduced and referred to Assembly Budget Committee. Reported out of committee, 2nd reading in Assembly.  
**06/30/2023**—Passed in Assembly 51-27-0. Received in Senate w/o committee reference, 2nd reading in Senate. Substituted for S-2024. Motion to amend on Senate floor (Testa). Motion to table Senate amendments 20-15 (Ruiz). Passed in Senate and sent to Governor 25-12. **Signed by the Governor w/line-item veto P.L.2023, c.74.**

**Position:** Monitor

**Bill:** S3 ScaAa (2R)  
**Sponsors:** Vitale (D19); Lagana (D38); Zwicker (D16); Tully (D38); Moriarty (D4); McKnight (D31); Freiman (D16); Quijano (D20); Mukherji (D33); Swain (D38); Carter (D22) +13  
**Summary:** **Revises income eligibility criteria for PAAD and Senior Gold Prescription Discount Program.**  
**Related:** 2022:A3  
**History:** 06/05/2023—Introduced and referred to Senate Budget and Appropriations Committee.  
06/27/2023—Reported out of committee with committee amendments, 2nd reading in Senate.  
**06/30/2023**—Passed in Senate 37-0. Received in Assembly w/o committee reference, 2nd reading in Assembly. Amended on Assembly floor, 2nd reading in Assembly (Tully). Substituted for A-3 (2R). Passed in Assembly 77-0-0. Received in Senate, 2nd reading in Senate to concur with Assembly amendments. Passed in Senate and sent to Governor 36-0. **Signed by the Governor P.L.2023, c.79.**

**Position:** Monitor

**Bill:** S405 ScaSca (2R)  
**Sponsors:** Johnson (D37); Singer (R30); Spearman (D5); McKnight (D31); Haider (D37) +15  
**Summary:** Codifies and increases under certain circumstances, current minimum Medicaid per diem reimbursement rates for assisted living residences, comprehensive personal care homes, and assisted living programs; makes appropriation.  
**Related:** 2022:A590; 2022:S1934; 2020:A6057  
**History:** 01/11/2022—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.  
 03/06/2023—Reported out of committee with committee amendments, 2nd reading in Senate. Referred to Senate Budget and Appropriations Committee.  
 06/27/2023—Reported out of committee with committee amendments, 2nd reading in Senate.  
**06/30/2023**—Passed in Senate 37-0. Received in Assembly w/o committee reference, 2nd reading in Assembly. Motion Waive Rule 15:11 by voice vote (Greenwald). Substituted for A-590 (1R). Passed in Assembly and sent to Governor 76-0-0.  
**Signed by the Governor P.L.2023, c.80.**  
**Position:** Support

## 5. Legislation on Governor's Desk

**Bill:** A4682 AcaAaAca (3R)  
**Sponsors:** Schaer (D36); Timberlake (D34); Danielsen (D17); Singleton (D7); Zwicker (D16) +38  
**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).  
 06/20/2023—Recommitted to Assembly Commerce and Economic Development.  
 06/22/2023—Reported out of committee with committee amendments, 2nd reading in Assembly.  
**06/30/2023**—Passed in Assembly 43-33-0. Received in Senate w/o committee reference, 2nd reading in Senate. Substituted for S-2389 (3R). Passed in Senate and sent to Governor 21-14.  
**Position:** Oppose  
**Notes:** Already in place for health care facilities, which were removed legislation. However, bill would affect facility vendors and contractors in connection with the care or maintenance of a building or property, and includes but is not limited to work performed by a security guard; a front desk worker; a janitor; a maintenance employee; building superintendent; grounds maintenance worker; elevator operator and starter; or window cleaner. It does not include any individual who performs work on any building, structural, electric, HVAC, or plumbing project, if the work requires a permit to be issued by a municipal building or construction department. It also does not include vendors who provide food preparation services in health care facilities.

**Bill:** A5179 Aca (1R)  
**Sponsors:** Verrelli (D15); Murphy (D7); Benson (D14); Cruz-Perez (D5); Turner (D15) +4  
**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 out of committee 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.  
 05/08/2023—Received in Senate w/o committee reference, 2nd reading in Senate.  
**06/26/2023—Substituted for S-3516. Passed in Senate and sent to Governor 36-0.**  
**Position:** Monitor  
**Notes:** Applies to newly installed smoke control systems.
 

- Requires active smoke control system to testing every six months; and
- Requires passive smoke control system testing every 12 months.

**Bill:** A5225 AcaAca (2R)  
**Sponsors:** McKnight (D31); Speight (D29); Murphy (D7); Codey (D27); Pou (D35) +8  
**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.  
 05/18/2023—Reported out of committee with committee amendments, referred to Assembly Appropriations Committee.  
 06/22/2023—Reported out of committee, 2nd reading in Assembly.  
**06/30/2023—Passed in Assembly 78-0-0. Received in Senate w/o committee reference, 2nd reading in Senate. Substituted for S-3729 (2R). Passed in Senate and sent to Governor 36-0.**  
**Position:** Support

**Bill:** S3929 ScaSaSca (3R)  
**Sponsors:** Vitale (D19); Scutari (D22); Lampitt (D6); Mukherji (D33) +4  
**Summary:** **Revises certain requirements for involuntary commitment for mental health treatment.**  
**Related:** 2022:A5182  
**History:** 06/05/2023—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.  
 06/15/2023—Reported with committee amendments, 2nd reading in Senate.  
 06/27/2023—Recommitted to Senate Budget and Appropriations Committee. Reported out of committee with committee amendments, 2nd reading in Senate.  
**06/30/2023—Passed in Senate 36-1. Received in Assembly w/o committee reference, 2nd reading in Assembly. Substituted for A-5182 (3R). Passed in Assembly and sent to Governor 76-1-0.**  
**Position:** Monitor

**Bill:** S2369 ScaSca (2R)

**Sponsors:** Singer (R30); Madden (D4); Benson (D14); McKnight (D31); Reynolds-Jackson (D15) +11

**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:A4017

**History:** 03/24/2022—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.

01/19/2023—Reported out of committee with committee amendments, 2nd reading in Senate. Referred to Senate Budget and Appropriations Committee.

06/27/2023—Reported out of committee with committee amendments, 2nd reading in Senate.

**06/30/2023—Passed in Senate 37-0. Received in Assembly w/o committee reference, 2nd reading in Assembly. Substituted for A-4017 (2R). Passed in Assembly and sent to Governor 77-0-0.**

**Position:** Support

**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 in order to create single occupancy rooms.

## 6. Legislative Activity

**Bill:** A583 AcaAcaAca (3R)  
**Sponsors:** Spearman (D5); Quijano (D20); Reynolds-Jackson (D15) +16  
**Summary:** "New Jersey Works Act"; concerns businesses and pre-employment training programs; provides tax credit to businesses supporting pre-employment training programs; appropriates \$3 million.

**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.  
 12/05/2022—Reported out of committee with committee amendments, referred to Assembly Appropriations Committee.  
 06/22/2023—Reported out of committee with committee amendments, 2nd reading in Assembly.  
**06/30/2023—Passed in Assembly 77-0-0.**

**Position:** Support  
**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 in order to create single occupancy rooms.

**Bill:** A4049 AcaAcaAca (3R)  
**Sponsors:** McKnight (D31); Reynolds-Jackson (D15); Benson (D14) +10  
**Summary:** Provides for presumptive eligibility for home and community-based services, nursing home services, and services provided through program of all-inclusive care for the elderly under Medicaid.

**Related:** 2022:S3495  
**History:** 05/19/2022—Introduced and referred to Assembly Human Services Committee.  
 06/02/2022—Transferred to Assembly Aging and Senior Services Committee. Reported out of committee with committee amendments, referred to Assembly Human Services Committee.  
 02/09/2023—Reported out of committee with committee amendments, referred to Assembly Appropriations Committee.  
 06/27/2023—Transferred to Assembly Budget Committee.  
 06/28/2023—Reported out of committee with committee amendments, 2nd reading in Assembly.  
**06/30/2023—Passed in Assembly 78-0-0.**

**Position:** Support  
**Notes:** Bill was amended at HCANJ request to include nursing facilities.

**Bill:** S2456 Sca (1R)  
**Sponsors:** Singer (R30) +2  
**Summary:** Requires adult day care centers to provide reasonable accommodations for certain persons.  
**Related:** 2022:A5057  
**History:** 05/09/2022—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.  
 12/15/2022—Reported with committee amendments, 2nd reading in Senate.  
**06/20/2023—Passed in Senate 37-0.**  
 06/22/2023—Received in Assembly and referred to Assembly Health Committee.  
**Position:** Monitor

**Bill:** S3495 Sca (1R)  
**Sponsors:** Vitale (D19); Johnson (D37) +7  
**Summary:** Provides for presumptive eligibility for home and community-based services, nursing home services, and services provided through program of all-inclusive care for the elderly under Medicaid.  
**Related:** 2022:A4049  
**History:** 01/19/2023—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.  
 05/11/2023—Reported out of committee. Referred to Senate Budget and Appropriations Committee.  
**06/27/2023—Reported with committee amendments, 2nd reading in Senate.**  
**Position:** Support  
**Notes:** Bill was amended at HCANJ request to include nursing facilities.

## 7. Legislation Introduced

**Bill:** A5617  
**Sponsors:** Schaer (D36); Auth (R39); McKnight (D31)  
**Summary:** Establishes minimum Medicaid and NJ FamilyCare reimbursement rate for pediatric special care nursing facilities.  
**Related:** 2022:S4033  
**History:** 06/20/2023—Introduced and referred to Assembly Health Committee.  
**Position:** Review

**Bill:** A5682  
**Sponsors:** Munoz (R21)  
**Summary:** Prohibits downcoding in health insurance claims.  
**History:** 06/28/2023—Introduced to Assembly Financial Institutions & Insurance Committee.  
**Position:** Review

**Bill:** A5703  
**Sponsors:** Sumter (D35)  
**Summary:** Concerns temporary disability insurance and family leave insurance benefits.  
**Related:** 2022:S4054  
**History:** 06/30/2023—Proposed for introduction.  
**Position:** Review  
**Notes:** Expands access to temporary disability insurance and family leave insurance benefits.



**Bill:** S3962  
**Sponsors:** Gopal (D11); Greenstein (D14)  
**Summary:** Requires prescription drug services covered under Medicaid program to be provided via fee-for-service delivery system.  
**Related:** 2022:A5588; 2020:A1028; 2020:S1253; 2018:A5480; 2018:S3787  
**History:** 06/15/2023—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.  
**Position:** Monitor  
**Notes:** Could be problematic if fee-for services requires mail order and/or 90 day supply of prescriptions for patients.

**Bill:** S3964  
**Sponsors:** Gopal (D11)  
**Summary:** Establishes Health Care Workers COVID-19 Supplemental Benefits Program; appropriates \$30 million.  
**Related:** 2022:A5540  
**History:** 06/15/2023—Introduced and referred to Senate Labor Committee.  
**Position:** Review

**Bill:** S4033  
**Sponsors:** Codey (D27)  
**Summary:** Establishes minimum Medicaid and NJ FamilyCare reimbursement rate for pediatric special care nursing facilities.  
**Related:** 2022:A5617  
**History:** 06/27/2023—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.  
**Position:** Review

**Bill:** S4054  
**Sponsors:** Greenstein (D14); Cryan (D20)  
**Summary:** Concerns temporary disability insurance and family leave insurance benefits.  
**Related:** 2022:A5703  
**History:** 06/30/2023—Introduced and referred to Senate Labor Committee.  
**Position:** Review  
**Notes:** Expands access to temporary disability insurance and family leave insurance benefits.