

**HCANJ BUSINESS MEETING
LEGISLATIVE AND REGULATORY UPDATE
June 14, 2023**

1. Rule Adoptions

- **The Department of Human Services, Division of Aging Services readopted N.J.A.C. 10:167, which establishes the Pharmaceutical Assistance to the Aged and Disabled (PAAD) Eligibility Manual.** The PAAD Eligibility Manual is promulgated to set forth the basic policies and procedures relating to assistance to persons who are financially disqualified from medical assistance pursuant to the New Jersey Medical Assistance and Health Services Act, P.L. 1968, c. 413 (N.J.S.A. 30:4D-1 et seq.), and who have significant needs for prescribed drugs and/or insulin needles, insulin syringes and/or needles, and syringes used for medications that can be injected for the treatment of multiple sclerosis, but are unable to fully meet the cost of such items.

Notice of this adoption appears in the June 5, 2023 *New Jersey Register* at 55 N.J.R. 1182 (a). The readoption took effect on April 24, 2023.

2. Rule Proposals

- **The Board of Social Work Examiners (Board) has proposed amending N.J.A.C. 13:44G-3.1 to recognize that it is within the scope of practice for licensed clinical social workers to determine whether a terminally ill patient is capable of deciding to receive a prescription for medication that would enable them to end his or her life and notifying a physician of this determination The board has determined that this amendment is necessary pursuant to P.L. 2019, c. 59, the Medical Aid in Dying for the Terminally Ill Act.**

Notice of this proposal, PRN 2023-039, appears in the May 15, 2023 *New Jersey Register* at 55 N.J.R. 1001 (a). Written comments are due to the Board by July 14, 2023.

- **The State Board of Social Work Examiners (Board) proposes amendments to its continuing education rules (N.J.A.C. 13:44G-6.3, 6.4 and 6.7) to clarify requirements, remove outdated provisions, and recognize additional courses that may satisfy continuing education requirements.**

Notice of this proposal, PRN 2023-049, appears in the June 5, 2023 *New Jersey Register* at 55 N.J.R. 1140 (a). Written comments are due to the Board by August 4, 2023.

3. Health Care Administration Board Actions

- **The Health Care Administration Board (Board) on May 18 approved a Department of Health request for approval to file proposed amendments 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. The amendments are intended to implement P.L. 2020, c. 112, codified at N.J.S.A. 30:13-18, the Act that establishes minimum staffing requirements for nursing homes.**

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.

The Department proposes to amend existing N.J.A.C. 8:43E-3.4 Civil monetary penalties by adding new paragraphs (a)22 through 24, which would establish penalties that may be assessed against a nursing home that fails to have the number of staff members working on a shift that N.J.A.C. 8:39-25.3 requires.

4. Legislation Enacted

- None to Report

5. Legislation on Governor's Desk

Bill: A4616

Sponsors: Moriarty (D4); Greenwald (D6); Jaffer (D16); Madden (D4); Pou (D35) +2

Summary: Allows passage of Certified Respiratory Therapist examination to qualify for licensure as respiratory therapist.

Related: 2022:S3157

History: 09/22/2022—Introduced and referred to Assembly Regulated Professions Committee.

01/12/2023—Reported out of committee, 2nd reading in Assembly.

01/26/2023—Passed in Assembly 78-0-0. Received in Senate and referred to Senate Commerce Committee.

05/08/2023—Transferred to Senate Budget and Appropriations Committee.

05/11/2023—Reported out of committee, 2nd reading in Senate.

05/22/2023—Substituted for S-3157. Passed in Senate and sent to Governor 36-0.

Position: Support

Bill: S1307 ScaScaAca (3R)

Sponsors: Beach (D6); Lampitt (D6); Verrelli (D15); McKnight (D31) +3

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 out of committee with committee amendments, 2nd reading in Senate.

02/02/2023—Passed in Senate 39-0.

02/06/2023—Received in Assembly and referred to Assembly Appropriations Committee.

03/23/2023—Reported out of committee with committee amendments, 2nd reading in Assembly.

03/30/2023—Substituted for A-3585 (2R). Passed in Assembly 66-1-6.

05/08/2023—Received in Senate, 2nd reading in Senate to concur with Assembly amendments.

05/22/2023—Passed in Senate and sent to Governor 36-0.

Position: Monitor

6. Legislative Activity

- Bill:** A3 Aca (1R)
- Sponsors:** Tully (D38); Moriarty (D4); McKnight (D31); Freiman (D16); Quijano (D20); Mukherji (D33); Swain (D38); Carter (D22)
- Summary:** Revises income eligibility criteria for PAAD and Senior Gold Prescription Discount program; requires system of automatic enrollment for Senior Gold Prescription Discount Program.
- Related:** 2022:S3
- History:** 05/18/2023—Introduced and referred to Assembly Senior Services Committee.
06/08/2023—Reported out of committee with committee amendments, referred to Assembly Appropriations Committee.
- Position:** Monitor
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- Bill:** A833 AcsAca (ACS/1R)
- Sponsors:** Jimenez (D32); Murphy (D7) +3
- Summary:** Waives certain professional and occupational licensing fees for veterans and spouses of veterans.
- Related:** 2022:S3151; 2020:A525; 2018:A373; 2018:S2448; 2016:A829; 2014:A2460; 2012:A4572
- History:** 01/11/2022—Introduced and referred to Assembly Military and Veterans' Affairs Committee.
 03/23/2023—Reported out of committee with committee substitute, referred to Assembly Appropriations Committee.
 05/18/2023—Reported out of committee with committee amendments, 2nd reading in Assembly.
05/25/2023—Passed in Assembly 74-0-0.
 06/01/2023—Received in Senate and referred to Senate Budget and Appropriations Committee.
- Position:** Monitor
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- Bill:** A2282 Aca (1R)
- Sponsors:** Murphy (D7)
- Summary:** Establishes guardianship monitoring program in Office of Public Guardian for Elderly Adults.
- Related:** 2020:A4994; 2020:S3135; 2018:A824; 2018:S1062; 2016:A813; 2016:S1611; 2014:A3594; 2014:S2329
- History:** 02/07/2022—Introduced and referred to Assembly Judiciary Committee.
05/18/2023—Transferred to Assembly Aging and Senior Services Committee. Reported out of committee with committee amendments, 2nd reading in Assembly.
- Position:** Support

- Bill:** A2878 AcaAca (2R)
Sponsors: Benson (D14); McKnight (D31); Murphy (D7) +1
Summary: **"Medicaid Transportation Brokerage Program Oversight and Accountability Act"; establishes vehicle, staffing, and performance standards, and review and reporting requirements for non-emergency medical transport provided under State's non-emergency medical transport provided under Medicaid transportation brokerage program.**
- Related:** 2022:S1069; 2020:A1005; 2020:S2190; 2018:A4131; 2018:S2985
History: 02/28/2022—Introduced and referred to Assembly Human Services Committee.
 02/09/2023—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.
- Position:** Monitor
Notes: The bill was amended at HCANJ's request to remove provisions that would have impeded nursing and assisted living resident access to care by: 1) requiring a Medicaid beneficiary to certify that transport through a Medicaid transportation broker is necessary to enable that beneficiary to receive a covered medical service; 2) requiring a transportation broker to obtain verification from the medical provider, prior to the date of transport, as to whether a covered medical service will be received by the beneficiary on the date of transport; and 3) putting nursing and assisted living facilities at risk if, through no fault of their own, the beneficiary did not actually receive a covered medical service on the date of a transport.
- Bill:** A4302 Aca (1R)
Sponsors: Murphy (D7)
Summary: **Revises requirements concerning disqualification from registration as, and duties of, a professional guardian.**
- Related:** 2022:S1303; 2020:A4619; 2020:S2879
History: 06/20/2022—Introduced and referred to Assembly Human Services Committee.
05/18/2023—Transferred to Assembly Aging and Senior Services Committee. Reported out of committee with committee amendments, 2nd reading in Assembly.
- Position:** Monitor
- Bill:** A4303 Aca (1R)
Sponsors: Murphy (D7) +1
Summary: **Revises and updates law pertaining to guardianship to encourage ethical conduct by guardians and to provide stronger protections for wards and proposed wards.**
- Related:** 2022:S1483; 2020:A4618; 2020:S2876
History: 06/20/2022—Introduced and referred to Assembly Human Services Committee.
05/18/2023—Transferred to Assembly Aging and Senior Services Committee. Reported out of committee with committee amendments, 2nd reading in Assembly.
- Position:** Monitor

Bill: A4614 Aca (1R)
Sponsors: Greenwald (D6); Jasey (D27); Carter (D22); Lampitt (D6) +8
Summary: Modifies Nursing Faculty Loan Redemption Program.
Related: 2022:S3547
History: 09/22/2022—Introduced and referred to Assembly Higher Education Committee.
 12/12/2022—Reported out of committee, referred to Assembly Health Committee.
 02/13/2023—Reported out of committee with committee amendments, referred to Assembly Appropriations Committee.
 05/18/2023—Reported out of committee, 2nd reading in Assembly.
05/25/2023—Passed in Assembly 72-1-0.
 06/01/2023—Received in Senate and referred to Senate Budget and Appropriations Committee.
Position: Support

Bill: A4617 Aca (1R)
Sponsors: DeAngelo (D14); Haider (D37); Greenwald (D6) +4
Summary: Requires DOLWD to identify and recruit unemployed individuals for employment in health care facilities; makes appropriation.
Related: 2022:S3121
History: 09/22/2022—Introduced and referred to Assembly Labor Committee.
 12/08/2022—Reported out of committee, referred to Assembly Appropriations Committee.
 02/23/2023—Reported out of committee with committee amendments, 2nd reading in Assembly.
 02/27/2023—Passed in Assembly 78-0-0.
 02/28/2023—Received in Senate and referred to Senate Health, Human Services and Senior Citizens Committee.
06/05/2023—Transferred to Senate Labor Committee. Reported out of committee, 2nd reading in Senate. Referred to Senate Budget and Appropriations Committee.
Position: Support

Bill: A4618 Sca (1R)
Sponsors: Freiman (D16); Murphy (D7); Greenwald (D6) +6
Summary: Creates online job portal for behavioral health care workers and online internship and externship portal for health care students.
Related: 2022:S3122
History: 09/22/2022—Introduced and referred to Assembly Labor Committee.
 12/08/2022—Reported out of committee, referred to Assembly Appropriations Committee.
 02/23/2023—Reported out of committee, 2nd reading in Assembly.
 02/27/2023—Passed in Assembly 78-0-0.
 02/28/2023—Received in Senate and referred to Senate Health, Human Services and Senior Citizens Committee.
05/11/2023—Reported out of committee with committee amendments, 2nd reading in Senate. Referred to Senate Budget and Appropriations Committee.
Position: Support

- Bill:** A4701
Sponsors: Pintor Marin (D29); Speight (D29); Schaer (D36) +12
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.
 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.
Position: Support
- 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.
 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 and referred to Senate Health, Human Services and Senior Citizens Committee.
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:** A5082 Aca (1R)
Sponsors: Greenwald (D6); Mukherji (D33); McKnight (D31) +1
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.
Position: Support
- Bill:** A5225 AcaAca (2R)
Sponsors: McKnight (D31); Speight (D29); Murphy (D7) +3
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.
Position: Support

Bill: S2769 ScaScaSaSa (4R)
Sponsors: Vitale (D19) +2
Summary: Revises reporting requirements for nursing homes concerning financial disclosures and ownership structure.
Related: 2022:A4484
History: 05/26/2022—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.
06/06/2022—Reported out of committee with committee amendments, 2nd reading in Senate.
02/09/2023—Recommitted to Senate Health, Human Services and Senior Citizens Committee.
02/13/2023—Reported out of committee with committee amendments, 2nd reading in Senate.
02/27/2023—Amended on Senate floor, 2nd reading in Senate by voice vote (Ruiz).
05/22/2023—Amended on Senate floor, 2nd reading in Senate by voice vote (Ruiz).
Position: Oppose
Note: The amendments: 1) replace references to “health care systems” with references to “common ownership”; 2) remove a requirement that a statement of operations be submitted with the single owner-certified financial statement; 3) specify that the single owner-certified financial statement include the financial information required under the bill for each nursing home that is under common ownership; and 4) remove language providing that the single owner-certified financial statement may be submitted in a supplemental schedule.

Bill: S2894 Sca (1R)
Sponsors: Vitale (D19); Stack (D33)
Summary: Establishes "Mission Critical Long-Term Care Teams"; provides for identification of and intervention at long-term care facilities at risk of operational and financial distress.
Related: 2022:A4335
History: 06/20/2022—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.
10/06/2022—Reported out of committee with committee amendments, 2nd reading in Senate. Referred to Senate Budget and Appropriations Committee.
05/11/2023—Reported out of committee, 2nd reading in Senate.
05/22/2023—Passed in Senate 36-0.
05/18/2023—Received in Assembly and referred to Assembly Appropriations Committee.
Position: Seek Amendments
Notes: Request denied to amend bill to provide that recommended corrective actions not be provided to DOH for use in conducting a survey, inspection or complaint investigation.

- Bill:** S3121 Sca (1R)
Sponsors: Lagana (D38); Bucco (R25)
Summary: Requires DOLWD to identify and recruit unemployed individuals for employment in health care facilities; makes appropriation.
Related: 2022:A4617
History: 10/03/2022—Introduced and referred to Senate Labor Committee.
06/05/2023—Reported out of committee with committee amendments, 2nd reading in Senate. Referred to Senate Budget and Appropriations Committee.
Position: Support
- Bill:** S3122 Sca (1R)
Sponsors: Zwicker (D16) +2
Summary: Creates online job portal for behavioral health care workers and online internship and externship portal for health care students.
Related: 2022:A4618
History: 10/03/2022—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.
05/11/2023—Reported out of committee with committee amendments, 2nd reading in Senate. Referred to Senate Budget and Appropriations Committee.
Position: Support
- Bill:** S3495
Sponsors: Vitale (D19); Johnson (D37) +7
Summary: Provides for presumptive eligibility for home and community-based services under Medicaid.
Related: 2022:A4049S
History: 01/19/2023—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.
05/11/2023—Reported out of committee, 2nd reading in Senate. Referred to Senate Budget and Appropriations Committee.
Position: Support
Note: Sponsor did not support request to amend to include nursing facility residents.
- Bill:** S3729 Sca (1R)
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.
05/11/2023—Reported out of committee with committee amendments, 2nd reading in Senate. Referred to Senate Budget and Appropriations Committee.
Position: Review

7. Legislation Scheduled

Bill: A5430
Sponsors: Reynolds-Jackson (D15); Wimberly (D35); Verrelli (D15) +10
Summary: Establishes procedures and standards regarding public service privatization contracts.
Related: 2022:S1350; 2020:A3538; 2020:S1711; 2018:A3275; 2018:S1743; 2016:A2300; 2016:S798; 2014:A2873; 2014:S770; 2012:A998; 2012:S968; 2010:A3407; 2010:S2323
History: 05/11/2023—Introduced and referred to Assembly Labor Committee.
Scheduled: **06/15/2023—Assembly Labor Committee.** 10:00am, Committee Room 15, Annex.
Position: Monitor
Notes: May affects DOH survey outsourcing.

Bill: S3929
Sponsors: Vitale (D19); Scutari (D22) +1
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.
Scheduled: **06/15/2023—Senate Health, Human Services and Senior Citizens Committee,** 9:00am, Committee Room 1, Annex.
Position: Review

8. Legislation Introduced

Bill: A5491
Sponsors: Tully (D38); Stanley (D18); Atkins (D20)
Summary: Requires nursing homes to submit certain cost reports to DOH in annual financial report.
History: 05/11/2023—Introduced and referred to Assembly Senior Services Committee.
Position: Review
Notes: Revises ownership interest thresholds from 10 percent interest or greater to any amount of ownership interest.

Bill: A5492
Sponsors: Swain (D38); Atkins (D20); Verrelli (D15) +1
Summary: Establishes nurse aide workforce development program.
History: 05/11/2023—Introduced and referred to Assembly Senior Services Committee.
Position: Review
Bill: A5493
Sponsors: McKnight (D31); Karabinchak (D18); Schaer (D36)
Summary: Revises requirements for assessing nursing home health, safety, and operations and for taking action against low-performing nursing homes.
History: 05/11/2023—Introduced and referred to Assembly Senior Services Committee.
Position: Oppose

- Bill:** A5494
Sponsors: Lopez (D19); Verrelli (D15); Murphy (D7)
Summary: Revises inspection requirements for long-term care facilities.
History: 05/11/2023—Introduced and referred to Assembly Senior Services Committee.
Position: Oppose
- Bill:** A5519
Sponsors: Atkins (D20); Speight (D29)
Summary: Modifies certain experience requirements and costs for issuance of certain credentials by New Jersey Board of Nursing; appropriates \$250,000.
History: 06/05/2023—Introduced and referred to Assembly Regulated Professions Committee.
Position: Review
- Bill:** A5540
Sponsors: Speight (D29); Atkins (D20)
Summary: Establishes Health Care Workers COVID-19 Supplemental Benefits Program; appropriates \$30 million.
Related: 2022:S3964
History: 06/05/2023—Introduced and referred to Assembly Labor Committee.
Position: Review
- Bill:** A5544
Sponsors: Wimberly (D35); Reynolds-Jackson (D15)
Summary: Requires employer to allow employee suffering from menstrual disorder to work remotely in certain circumstances.
History: 06/05/2023—Introduced and referred to Assembly Labor Committee.
Position: Review
- Bill:** A5584
Sponsors: Jimenez (D32); Freiman (D16); Moriarty (D4)
Summary: Revises New Jersey False Claims Act to comply with federal law for purposes of entitling State to enhanced recovery in Medicaid fraud cases.
History: 06/08/2023—Introduced and referred to Assembly Judiciary Committee.
Position: Review
- Bill:** A5588
Sponsors: Mukherji (D33)
Summary: Requires prescription drug services covered under Medicaid program to be provided via fee-for-service delivery system.
Related: 2022:S3962; 2020:A1028; 2020:S1253; 2018:A5480; 2018:S3787
History: 06/08/2023—Introduced and referred to Assembly Human Services Committee.
Position: Monitor
Notes: Could be problematic if fee-for services requires mail order and/or 90 day supply of prescriptions for patients.

Bill: S3879
Sponsors: Corrado (R40)
Summary: Requires biennial inspection of nursing homes and assisted living facilities.
Related: 2022:A2484; 2020:A5431
History: 05/22/2023—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.
Position: Review

Bill: S3962
Sponsors: Gopal (D11)
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: 06/12/2023—Proposed for introduction.
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: 06/12/2023—Proposed for introduction.
Position: Review