

**HCANJ BUSINESS MEETING
LEGISLATIVE AND REGULATORY UPDATE
March 15, 2023**

1. Rule Adoptions

- None to Report

2. Rule Proposals

- None to Report

3. Health Care Administration Board Actions

- None to Report

4. Public Notices

- None to Report

5. Legislation Enacted

Bill: A256 AcaAcaSa (3R)
Sponsors: Munoz (R21); DeFuccio (R39); Speight (D29); Madden (D4) +7
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 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 (Sarfo).
 12/19/2022—Substituted for S-732 (2R). Passed in Senate 36-0.
 01/10/2023—Received in Assembly to concur with Senate amendments.
 01/26/2023—Passed in Assembly and sent to Governor 78-0-0.
03/13/2023 Signed by the Governor P.L.2023, c.24
Position: Seek Amendment
Notes: Bill was amended at HCANJ request to exclude LTC.

6. Legislation on Governor's Desk

Bill: A3199 AcaAcaSca (3R)
Sponsors: Greenwald (D6); Sumter (D35); Jaffer (D16); Swain (D38); Benson (D14); Singleton (D7); Madden (D4) +16
Summary: Establishes "Health Care Heroes Violence Prevention Act."
Related: 2022:S2008
History: 03/07/2022—Introduced and referred to Assembly Law and Public Safety Committee.
 05/09/2022—Reported out of committee with committee amendments, referred to Assembly Appropriations Committee.
 06/13/2022—Reported with committee amendments, 2nd reading in Assembly.
 06/16/2022—Passed in Assembly 78-0-0.
 06/20/2022—Received in Senate Budget and Appropriations Committee.
 12/05/2022—Reported with committee amendments, 2nd reading in Senate.
 02/02/2023—Substituted for S-2008 (2R). Passed in Senate 39-0.
 02/06/2023—Received in Assembly to concur with Senate amendments.
02/27/2023—Passed in Assembly and sent to Governor 78-0-0.
Position: Seek Amendments
Notes: Legislature rejected HCANJ request to amend bill to remove requirement for facilities to post notice stating "It is a crime to assault a health care worker. Any person who assaults a health care worker shall be subject to a fine, imprisonment, or both."

Bill: S1033 ScaSa (2R)
Sponsors: Vitale (D19); Ruiz (D29); Mukherji (D33); Benson (D14); McKnight (D31) +38
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 with committee amendments, 2nd reading in Senate.
 11/21/2022—Amended on Senate floor, 2nd reading in Senate by voice vote (Sarlo).
 12/19/2022—Passed in Senate 37-0.
 01/10/2023—Received in Assembly and referred to Assembly Health Committee.
 02/13/2023—Reported out of committee, 2nd reading in Assembly.
02/27/2023—Substituted for A-2682. Passed Assembly 78-0-0; sent to Governor.
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.

7. Legislative Activity

Bill: A2878 Aca (1R)
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
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.
Position: Seek Amendments
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: **A4049 AcaAca (2R)**
Sponsors: McKnight (D31); Reynolds-Jackson (D15); Benson (D14) +5
Summary: **Provides for presumptive eligibility for home and community-based services, nursing home services, and services provided through programs 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. As introduced, it applied only to beneficiaries receiving home and community based services.
Position: Support
Notes: Committee amended the bill at HCANJ's request to extend presumptive eligibility nursing home residents.

Bill: **A4614 Aca (1R)**
Sponsors: Greenwald (D6); Jasey (D27); Carter (D22); Lampitt (D6) +5
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.
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 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.
Position: Support

- Bill:** **A4618**
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.
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 Health, Human Services and Senior Citizens Committee.
Position: Support
Notes: Provisions in this bill require the Department of Health to create an online internship and externship portal, which permits in-State employers to post internship and externship openings that are eligible to provide academic credits for students who are studying to become a health care professional licensed under Title 45 or to provide credits toward licensure or completion of a program.
- Bill:** **A4621 Aca (1R)**
Sponsors: Mosquera (D4); Greenwald (D6); Swain (D38) +2
Summary: **Requires issuance of report on certain information and data on processing of applications for professional and occupational licenses and mandates review of training and call intake in Division of Consumer Affairs.**
Related: 2022:S3156
History: 09/22/2022—Introduced to Assembly Regulated Professions Committee.
02/13/2023—Reported 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 Commerce Committee.
Position: Support
- Bill:** **A4701**
Sponsors: Pintor Marin (D29); Speight (D29); Schaer (D36) +4
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; referred to Assembly Financial Insurance Committee.
03/09/2023—Reported out of committee, referred to Assembly Appropriations.
Position: Monitor
- Bill:** **A4772 AcaSca (2R)**
Sponsors: Verrelli (D15); Egan (D17); DeAngelo (D14) +4
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 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.
Position: Monitor
- Bill:** **S405 Sca (1R)**
Sponsors: Johnson (D37); Singer (R30) +2

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.

Position: Support (but seek amendment)

Notes: Committee amendments codify into statute now temporary tiered rate increases based on Medicaid census. However, HCANJ pointed out that amendments left out assisted living programs and is working to ensure their inclusion.

Bill: **S2769 ScaScaSa (3R)**

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 with committee amendments, 2nd reading in Senate.

02/09/2023—Recommitted, Senate Health, Human Services & Senior Citizens.

02/13/2023—Reported with committee amendments, 2nd reading in Senate.

02/27/2023—Amended on Senate floor, 2nd reading in Senate by voice vote.

Position: Oppose

Notes: Amendments maintain requirement for audited owner certified financial statements and do not remove HCANJ opposition. Amendments did, however, extend deadline for filing statements to better coincide with Medicare cost report filing deadline.

Bill: **S3144**

Sponsors: Gopal (D11); 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.

Position: Monitor

Bill: **S3215 Sca (1R)**

Sponsors: Sarlo (D36); Madden (D4) +2

Summary: Concerns UI benefits during labor disputes.

Related: 2022:A4460; 2022:A4772

History: 10/17/2022—Introduced and referred to 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.

Position: Monitor

Bill: **S3357 Sca (1R)**

Sponsors: Codey (D27); Durr (R3) +1

Summary: Requires State Long-Term Care Ombudsman to include memory care training in annual

Related: long-term care training program.
2022:A4855

History: 12/01/2022—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.
02/13/2023—Reported with committee amendments, 2nd reading in Senate.
02/27/2023—Passed in Senate 38-0. Received in Assembly Aging Committee.

Position: Monitor

Bill: **S3547 Sca (1R)**

Sponsors: Pou (D35); Vitale (D19)

Summary: Modifies Nursing Faculty Loan Redemption Program.

Related: 2022:A4614

History: 01/30/2023—Introduced and referred to Senate Higher Education Committee.
03/02/2023—Transferred to Sen. Health, Human Services & Senior Citizens Comm.
03/06/2023—Reported out of committee with committee amendments, 2nd reading in Senate. Referred to Senate Budget and Appropriations Committee.

Position: Support

8. Legislation Scheduled

Bill: **S3516**

Sponsors: Cruz-Perez (D5); Turner (D15)

Summary: "Smoke Control System Act;" Requires routine maintenance and operational testing of smoke control systems in certain buildings by certain qualified personnel.

History: 01/26/2023—Introduced to Senate Economic Growth Committee. Reported out of committee. Referred to Senate Budget and Appropriations Committee.

Scheduled: **03/16/2023—Senate Budget and Appropriations Committee; 1:00 PM**

Position: Monitor

Note: 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.

9. Legislation Introduced

Bill: **A5172**

Sponsors: McKnight (D31); Murphy (D7); Speight (D29) +3

Summary: Establishes Working Group on End-of-Life Care and Palliative Care in DOH.

Related: 2022:A3210; 2022:S1012; 2020:A1072; 2020:S1816; 2018:A4684; 2018:S3143

History: 02/09/2023—Introduced and referred to Assembly Health Committee.

Position: Support

Notes: Bill puts HCANJ on the workgroup.

Bill: **A5194**
Sponsors: Conaway (D7); Verrelli (D15); Atkins (D20) +5
Summary: **Provides certain protections to residents of long-term care facilities.**
Related: 2022:S3606
History: 02/16/2023—Introduced and referred to Assembly Health Committee.
Position: Oppose
Notes: Bill would impede ability of long term care facilities to assist in the Medicaid application process by prohibiting an owner, administrator, director, officer, or employee from being eligible to act as an attorney-in-fact for a resident or an individual who is in the admission process to enter a long-term care facility.

Bill: **A5248**
Sponsors: Stanley (D18); Atkins (D20); Sampson (D31)
Summary: **Regulates provision of pharmaceutical services in long-term care facilities.**
Related: 2022:S3609
History: 02/28/2023—Introduced and referred to Assembly Health Committee.
Position: Monitor
Notes: Codifies current regulations.

Bill: **S3596**
Sponsors: Madden (D4)
Summary: **Codifies and extends authorization for certain out-of-State health care practitioners and recent graduates of health care training programs to practice in New Jersey.**
Related: 2022:A4049
History: 02/13/2023—Introduced and referred to Senate Commerce Committee.
Position: Support

Bill: **S3606**
Sponsors: Vitale (D19); Singer (R30)
Summary: **Provides certain protections to residents of long-term care facilities.**
Related: 2022:A5194
History: 02/13/2023—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.
Position: Oppose
Notes: Bill would impede ability of long term care facilities to assist in the Medicaid application process by prohibiting an owner, administrator, director, officer, or employee from being eligible to act as an attorney-in-fact for a resident or an individual who is in the admission process to enter a long-term care facility.

Bill: **S3609**
Sponsors: Vitale (D19)
Summary: **Regulates provision of pharmaceutical services in long-term care facilities.**
Related: 2022:A5248
History: 02/16/2023—Introduced; Senate Health, Human Services & Senior Citizens Comm.
Position: Monitor
Notes: Codifies current regulations.

Bill: S3663
Sponsors: Cruz-Perez (D5)
Summary: Requires transparency concerning compensation with promotional opportunities and in employment listings.
Related: 2022:A3937
History: 02/27/2023—Introduced and referred to Senate Labor Committee.
Position: Review
Notes: This bill requires employers to make reasonable efforts to announce, post, or otherwise make known all opportunities for promotion to all current employees on the same calendar day and prior to making a promotion decision. It also requires employers to disclose in each posting for each job opening the hourly wage or salary, or a range of the compensation, and a general description of all of the benefits and other compensation to be offered to the hired applicant.