

**HCANJ BUSINESS MEETING
LEGISLATIVE AND REGULATORY UPDATE
March 13, 2024**

1. Rule Adoptions

- **The Department of Health readopted the rules at N.J.A.C. 8:43I concerning criminal background investigations for nurse aides, personal care assistants, and assisted living administrators. These rules were set to expire on March 17, 2024.**

Notice of this adoption appears in the *New Jersey Register* at 56 N.J.R. 260(a) with an effective date of March 17, 2024

2. Rule Proposals

- None to Report

3. Health Care Administration Board

- None to Report

4. Legislation on Governor's Desk

- None to Report

5. Legislative Activity

Bill: A2803

Sponsors: Greenwald (D6); Conaway (D7); Stanley (D18) +2

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:A4619; 2022:S3596

History: 01/09/2024—Introduced and referred to Assembly Regulated Professions Committee.

02/22/2024—Reported out of committee, 2nd reading in Assembly.

Position: Support

Bill: A2813

Sponsors: Greenwald (D6); Reynolds-Jackson (D15); Speight (D29) +5

Summary: Enters NJ in Social Work Licensure Compact.

Related: 2024:S2688; 2022:A5349

History: 01/09/2024—Introduced and referred to Assembly Regulated Professions Committee.

02/22/2024—Reported out of committee, 2nd reading in Assembly.

Position: Support

Bill: S1649 Sca (1R)

Sponsors: O'Scanlon (R13); Greenstein (D14); Bucco (R25) +1

Summary: Creates crime of fiscal victimization against senior citizens or disabled persons.

Related: 2024:A3720; 2022:A2524; 2022:S626; 2020:A2640; 2020:S601; 2018:S216; 2016:S1823

History: 01/09/2024—Introduced and referred to Senate Law and Public Safety Committee.

03/07/2024—Reported out of committee with committee amendments, 2nd reading in Senate. Referred to Senate Budget and Appropriations Committee.

Position: Monitor

6. Legislation Scheduled

Bill: A3030

Sponsors: Calabrese (D36)

Summary: Permits patients to indicate that they should not be prescribed opiates and certain other controlled substances in prescription monitoring program information.

Related: 2024:S1215; 2022:A2811; 2022:A2814; 2022:S1327; 2020:A264; 2020:S1884; 2018:A2168; 2018:S656; 2016:A3519; 2016:S3157

History: 01/09/2024—Introduced and referred to Assembly Health Committee.

Scheduled: 03/14/2024—Assembly Health Committee.

Position: Monitor

Bill: S1472
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; 2022:S3121
History: 01/09/2024—Introduced and referred to Senate Labor Committee.
Scheduled: 03/14/2024—Senate Labor Committee.
Position: Support

Bill: S1962
Sponsors: Vitale (D19); Singer (R30)
Summary: Provides certain protections to residents of long-term care facilities.
Related: 2024:A1888; 2022:A5194; 2022:S3606
History: 01/09/2024—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.
Scheduled: 03/14/2024—Senate Health, Human Services and Senior Citizens Committee.
Position: Oppose
Notes:

- This bill prohibits long term care facility owners, administrators officers, and employee or any affiliated person from being eligible to act as an attorney-in-fact for a resident of a long-term care facility or an individual who is in the admission process to enter a long-term care facility. Further, the bill prohibits any person who benefits financially from a long-term care facility from acting as an attorney-in-fact.
- The bill also requires the Department of Health to develop a standard resident admission contract that long-term care facilities are required to use. The bill prohibits a long-term care facility from requiring a resident to sign any other document at the time of, or as a condition of, admission into care. A long-term care facility is prohibited from presenting any arbitration agreement to a prospective resident as part of the standard resident admission agreement.
- The bill requires an operator of a long-term facility to provide each resident notice that they may use an attorney to apply for Medicaid long term care benefits at the time of admission.
- Finally, the bill requires the Commissioner of Human Services to promulgate rules establishing uniform standards of care for non-attorney individuals providing Medicaid application assistance.

Bill: S1965
Sponsors: Vitale (D19); Singer (R30) +1
Summary: Regulates provision of pharmaceutical services in long-term care facilities.
Related: 2024:A588; 2022:A5248; 2022:S3609
History: 01/09/2024—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.
Scheduled: 03/14/2024—Senate Health, Human Services and Senior Citizens Committee.
Position: Seek Amendments
Notes: Amend to conform with last session Assembly version which included HCANJ requested amendment to exclude assisted living facilities, and others, limiting bill to only nursing homes.

Bill: S2168
Sponsors: Ruiz (D29); Pou (D35) +3
Summary: Provides tuition fee waiver apprenticeship courses.
Related: 2024:A513; 2022:A2494; 2022:S532; 2020:A2691; 2020:S1158; 2018:A4655; 2018:S3063
History: 01/09/2024—Introduced and referred to Senate Labor Committee.
Scheduled: 03/14/2024—Senate Labor Committee.
Position: Support

Bill: S2306
Sponsors: Beach (D6)
Summary: "New Jersey Works Act"; Permits businesses to create pre-employment training programs in partnership with nonprofit organizations or educational institutions; provides tax credit to businesses that provide financial assistance to pre-employment training participants.
Related: 2024:A2369; 2022:A583; 2022:S1485; 2020:A1534; 2020:S1573; 2018:S3952
History: 01/25/2024—Introduced and referred to Senate Labor Committee.
Scheduled: 03/14/2024—Senate Labor Committee.
Position: Support

7. Legislation Introduced

Bill: A3760
Sponsors: Venezia (D34); Conaway (D7); Reynolds-Jackson (D15) +2
Summary: "Medical Debt Homestead Protection Act."
History: 02/22/2024—Introduced and referred to Assembly Financial Institutions and Insurance Committee.
Position: Review
Notes: Allows person over 18 to hold as a homestead exempt (only one) from attachment, execution, and forced sale, as result of a judgement obtained for the payment and satisfaction of a medical debt. Medical debt is not defined. Might it include LTC?

Bill: A3775
Sponsors: Freiman (D16); McCoy (D14)
Summary: Creates online job portal for behavioral health care workers and online internship and externship portal for health care students.
Related: 2024:S1609; 2022:A4618; 2022:S3122
History: 02/22/2024—Introduced and referred to Assembly Labor Committee.
Position: Support?

Bill: A3786
Sponsors: McCoy (D14)
Summary: Requires Commissioner of DOLWD to conduct study to identify composition of current health care workforce, estimate future gaps, and recommend solutions to address gaps.
Related: 2024:S2445; 2022:S4224
History: 02/22/2024—Introduced and referred to Assembly Labor Committee.
Position: Support

Bill: A3842
Sponsors: Kanitra (R10)
Summary: Makes various revisions to nursing home regulations; makes appropriations.
History: 02/22/2024—Introduced; referred to Assembly Aging & Human Services Comm.
Position: Oppose
Notes: Requires DOH to conduct unannounced, biennial, on-site inspections of each nursing home and to post on its Internet website each inspection report prepared following an inspection of a nursing home within 90 days of the inspection. The bill provides that a nursing home is to afford each resident the opportunity to visit with a physician or an advanced practice nurse every 15 days, if medically necessary. *The bill increases the nursing home staff-to-resident ratio in the following manner: (1) one certified nurse aide to every seven residents, instead of eight residents as provided under current law, for the day shift; and (2) one direct care staff member to every nine residents, instead of 10 residents for the evening shift.* The bill requires the State Long-Term Care Ombudsman to employ geriatric social workers to meet with nursing home residents on a regular basis to address concerns regarding the legal, financial, and service needs of nursing home residents.

Bill: A3857
Sponsors: Morales (D34); Reynolds-Jackson (D15); Sampson (D31)
Summary: Allows social worker to acquire four hours of continuing education credit for volunteering as poll worker.
History: 02/27/2024—Introduced; referred to Assembly Regulated Professions Committee.
Position: Monitor

Bill: A3858
Sponsors: Conaway (D7); Speight (D29)
Summary: Requires collection of data by health insurers regarding health insurance claims and decisions made using automated utilization management systems.
History: 02/27/2024—Introduced to Assembly Financial Institutions & Insurance Committee.
Position: Review
Notes: Any interest for post-acute care rehab?

Bill: A3860
Sponsors: Reynolds-Jackson (D15); DeAngelo (D14); Verrelli (D15) +2
Summary: Establishes certain medical billing requirements concerning specific nature of charges or expenses for health care services.
Related: 2024:S2795
History: 02/27/2024—Introduced to Assembly Financial Institutions & Insurance Committee.
Position: Review
Notes: Requires health care providers, including licensed health care facilities and for nursing services and bed and board, to provide patients or responsible parties with “a consolidated, itemized statement or bill detailing the specific nature of the charges or expenses for the health care services the patient received from the provider....within 30 days after a patient's discharge or release or within seven days after receiving a written request.”

Would this consolidated, itemized statement present a cumbersome burden for nursing facilities? Not sure if this would include long term care stays or only post-acute rehab.

Bill: A3861
Sponsors: Reynolds-Jackson (D15); DeAngelo (D14); Verrelli (D15); Conaway (D7) +5
Summary: "Louisa Carman Medical Debt Relief Act."
Related: 2024:S2806
History: 02/27/2024—Introduced and referred to Assembly Financial Institutions and Insurance Committee.
Position: Review
Notes: Prohibits a consumer reporting agency from creating a consumer report containing a patient's paid medical debt or a medical debt worth less than \$500. However, bill also prohibits a medical creditor or medical debt collector from reporting a patient's medical debt to any consumer reporting agency, no debt limit specified. The bill also provides certain protections to patients with medical debt from collection actions by medical creditors and medical debt collectors.

Bill: A3902
Sponsors: Moen (D5)
Summary: Requires certain nursing homes to improve quality ratings.
History: 02/27/2024—Introduced to Assembly Aging and Human Services Committee.
Position: Review
Notes: This bill requires nursing homes certified to participate in the Medicaid program with an overall rating on the CMS Five-Star Quality Rating System of one star to develop and implement a corrective action plan to improve the nursing home's rating as a condition of receiving reimbursement under the Medicaid program. The plan would be reviewed by the DHS in cooperation with the DOH.

A nursing home with a one star rating will submit a corrective action plan to the Department of Human Services, providing a description of the action steps to be taken by the nursing home over a six-month period to resolve quality issues indicated by the nursing home's domain ratings within the CMS federal Quality Rating System. The plan, at a minimum, will include steps that would improve the nursing home's overall rating to a minimum of two stars after the implementation of the plan.

Bill: A3908
Sponsors: DePhillips (R40); Barlas (R40)
Summary: Increases personal needs allowance to \$140 for low-income persons residing in certain facilities.
History: 02/27/2024—Introduced to Assembly Aging and Human Services Committee.
Position: Monitor
Notes: Increases PNA for nursing home Medicaid beneficiaries from current \$50 to \$140.

Bill: A3913
Sponsors: Katz (D8)
Summary: Requires State Long-Term Care Ombudsman to assign paid or volunteer advocates to long-term care facilities; makes appropriation.
History: 02/27/2024—Introduced to Assembly Aging and Human Services Committee.
Position: Review
Notes: Doesn't the volunteer ombudsman program already accomplish this?

Bill: A4039
Sponsors: McGuckin (R10)
Summary: Provides gross income tax deduction for senior citizens for certain medical expenses for in-home care or care in assisted living and long-term care facilities and funeral expenses.
Related: 2024:S2725; 2022:S2650
History: 03/07/2024—Introduced to Assembly Aging and Human Services Committee.
Position: Support

Bill: A4040
Sponsors: Matsikoudis (R21)
Summary: Requires long-term care facilities to develop person-centered care plans for residents and establishes right to certain forms of visitation for long-term care residents.
Related: 2024:S1825; 2022:A5012
History: 03/07/2024—Introduced to Assembly Aging and Human Services Committee.
Position: Monitor
Notes: It is what we have now. Visitor’s vaccination status has been removed by CDC. Testing is not required for visitation, but facility can offer based on outbreak status.

Bill: S2795
Sponsors: Turner (D15)
Summary: Establishes certain medical billing requirements concerning specific nature of charges or expenses for health care services.
Related: 2024:A3860
History: 02/22/2024—Introduced and referred to Senate Commerce Committee.
Position: Review
Notes: Requires health care providers—including licensed health care facilities and for nursing services and bed and board—to provide patients or responsible parties with “a consolidated, itemized statement or bill detailing the specific nature of the charges or expenses for the health care services the patient received from the provider....within 30 days after a patient's discharge or release or within seven days after receiving a written request.”
 Would this consolidated, itemized statement present a burden for nursing facilities?
 Not sure if this would include long term care stays or only post-acute rehab.

Bill: S2920
Sponsors: Bramnick (R21)
Summary: Requires parity in Medicaid reimbursement rates for certain routine inpatient hospice room and board services.
History: 03/07/2024—Introduced and referred to Senate Health, Human Services and Senior Citizens Committee.
Position: Review