

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

P.L. 2021, CHAPTER 186, *approved July 23, 2021*
Assembly, No. 4864 (*Second Reprint*)

1 **A SUPPLEMENT** to the Fiscal Year 2021 appropriations act,
2 P.L.2020, c.97.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. In addition to the amounts appropriated under P.L.2020,
8 c.97, there is appropriated out of the General Fund the following
9 sum for the purpose specified:
10

54 DEPARTMENT OF HUMAN SERVICES
20 Physical and Mental Health
24 Special Health Services
7540 Division of Medical Assistance and Health Services
GRANTS-IN-AID

22-7540 General Medical Services	² [\$210,000]
	<u>\$3,000,000²</u>
Total Grants-In-Aid Appropriation,	² [\$210,000]
Special Health Services	<u>\$3,000,000²</u>

Grants-In-Aid:

22 Medical Coverage– Nursing Home	² [(210,000)]
Residents.....	<u>(\$3,000,000)²</u>

11
12 2. The following language provision in section 1 of P.L.2020,
13 c.97 is amended as follows:
14

54 DEPARTMENT OF HUMAN SERVICES
20 Physical and Mental Health
24 Special Health Services
7540 Division of Medical Assistance and Health Services
GRANTS-IN-AID

15
16
17
18
19
20
21 Notwithstanding the provisions of any law or regulation to the
22 contrary, the amounts hereinabove appropriated to the General
23 Medical Services program classification are subject to the
24 following condition: assisted living ¹**[facilities]** residences¹ ,
25 comprehensive personal care homes, and assisted living
26 programs, shall receive a per diem rate of no less than \$77, \$67,
27 and \$57, respectively, as reimbursement for each NJ FamilyCare
28 beneficiary under their care, provided that the reimbursement
29 rate for assisted living ¹**[facilities]** residences, comprehensive

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
¹Senate SHH committee amendments adopted June 10, 2021.
²Senate floor amendments adopted June 21, 2021.

1 personal care homes, and assisted living programs¹ with a
2 Medicaid population in excess of 50 percent of the facility's
3 total ¹[population] ²[number of occupied beds¹] amount of
4 beds reported to the Department of Health as of June 1, 2021²
5 shall be equal to the rate received on September 30, 2020, plus a
6 25 percent adjustment. Each facility that qualifies for such a rate
7 adjustment shall use no less than 60 percent of the rate
8 adjustment for the sole purpose of increasing wages or
9 supplemental pay for ²[certified nurse aides] staff² providing
10 direct care. The remainder of the rate adjustment shall be used
11 for other costs related to coronavirus disease 2019 preparedness
12 and response, including enhancing infection control measures,
13 cleaning, reconfiguration of the facility to support cohorting,
14 procurement of personal protective equipment, testing, or other
15 staff wages and needs.

16

17 3. This act shall take effect immediately.

18

19

20

21

22 Makes FY 2021 supplemental appropriation of \$3,000,000 to
23 DHS for temporary 25 percent increase to certain assisted living
24 resident providers in Medicaid.

CHAPTER 186

A SUPPLEMENT to the Fiscal Year 2021 appropriations act, P.L.2020, c.97.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. In addition to the amounts appropriated under P.L.2020, c.97, there is appropriated out of the General Fund the following sum for the purpose specified:

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

24 Special Health Services

7540 Division of Medical Assistance and Health Services

GRANTS-IN-AID

22-7540 General Medical Services	\$3,000,000
Total Grants-In-Aid Appropriation,	
Special Health Services	\$3,000,000

Grants-In-Aid:

22 Medical Coverage– Nursing Home Residents.....	(\$3,000,000)
--	---------------

2. The following language provision in section 1 of P.L.2020, c.97 is amended as follows:

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

24 Special Health Services

7540 Division of Medical Assistance and Health Services

GRANTS-IN-AID

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated to the General Medical Services program classification are subject to the following condition: assisted living residences, comprehensive personal care homes, and assisted living programs, shall receive a per diem rate of no less than \$77, \$67, and \$57, respectively, as reimbursement for each NJ FamilyCare beneficiary under their care, provided that the reimbursement rate for assisted living residences, comprehensive personal care homes, and assisted living programs with a Medicaid population in excess of 50 percent of the facility’s total amount of beds reported to the Department of Health as of June 1, 2021 shall be equal to the rate received on September 30, 2020, plus a 25 percent adjustment. Each facility that qualifies for such a rate adjustment shall use no less than 60 percent of the rate adjustment for the sole purpose of increasing wages or supplemental pay for staff providing direct care. The remainder of the rate adjustment shall be used for other costs related to coronavirus disease 2019 preparedness and response, including enhancing infection control measures, cleaning, reconfiguration of the facility to support cohorting, procurement of personal protective equipment, testing, or other staff wages and needs.

3. This act shall take effect immediately.

Approved July 23, 2021.

ASSEMBLY, No. 4864

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED OCTOBER 22, 2020

Sponsored by:

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman WILLIAM W. SPEARMAN

District 5 (Camden and Gloucester)

Co-Sponsored by:

**Assemblymen Chiaravalloti, Tully, Armato, Assemblywomen Downey,
Speight, McKnight, Murphy and Assemblyman Mejia**

SYNOPSIS

Makes FY 2021 supplemental appropriation of \$210,000 to DHS for temporary 25 percent increase to certain assisted living resident providers in Medicaid.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/25/2021)

1 A SUPPLEMENT to the Fiscal Year 2021 appropriations act,
2 P.L.2020, c.97.

3
4 BE IT ENACTED by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. In addition to the amounts appropriated under P.L.2020,
8 c.97, there is appropriated out of the General Fund the following
9 sum for the purpose specified:
10

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

24 Special Health Services

7540 Division of Medical Assistance and Health Services

GRANTS-IN-AID

22-7540 General Medical Services	\$210,000
<hr/>	
Total Grants-In-Aid Appropriation,	
Special Health Services	\$210,000
<hr/>	

Grants-In-Aid:

22 Medical Coverage– Nursing Home	(\$210,000)
Residents.....	

11
12 2. The following language provision in section 1 of P.L.2020,
13 c.97 is amended as follows:
14

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

24 Special Health Services

7540 Division of Medical Assistance and Health Services

GRANTS-IN-AID

15
16
17
18
19
20
21 Notwithstanding the provisions of any law or regulation to the
22 contrary, the amounts hereinabove appropriated to the General
23 Medical Services program classification are subject to the
24 following condition: assisted living facilities, comprehensive
25 personal care homes, and assisted living programs, shall receive
26 a per diem rate of no less than \$77, \$67, and \$57, respectively, as
27 reimbursement for each NJ FamilyCare beneficiary under their
28 care, provided that the reimbursement rate for assisted living
29 facilities with a Medicaid population in excess of 50 percent of
30 the facility’s total population shall be equal to the rate received
31 on September 30, 2020, plus a 25 percent adjustment. Each
32 facility that qualifies for such a rate adjustment shall use no less
33 than 60 percent of the rate adjustment for the sole purpose of
34 increasing wages or supplemental pay for certified nurse aides

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

ASSEMBLY AGING AND SENIOR SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4864

STATE OF NEW JERSEY

DATED: MARCH 8, 2021

The Assembly Aging and Senior Services Committee reports favorably Assembly Bill No. 4864.

This bill makes an FY 2021 supplemental appropriation of \$210,000 to Department of Human Services (DHS) for a temporary 25 percent increase to the certain assisted living facilities in the Medicaid program, which is anticipated to earn a federal match of \$528,000.

Specifically, under the bill, the FY 2021 reimbursement rate for assisted living facilities with a Medicaid population in excess of 50 percent of the facility's total population is to be equal to the rate received on September 30, 2020, plus a 25 percent adjustment. The current rate, under the NJ FamilyCare program, for assisted living facilities is \$77 per diem. Under the bill, the rate for qualifying facilities would increase by \$19.25 to \$96.25 per day.

Each facility is to use no less than 60 percent of the rate adjustment for the sole purpose of increasing wages or supplemental pay for certified nurse aides providing direct care. The remainder of the rate adjustment is to be used for other costs related to COVID-19 preparedness and response, including enhancing infection control measures, cleaning, reconfiguration of the facility to support cohorting, procurement of personal protective equipment, testing, or other staff wages and needs.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4864

STATE OF NEW JERSEY

DATED: MARCH 17, 2021

The Assembly Appropriations Committee reports favorably Assembly Bill No. 4864.

This bill makes an FY 2021 supplemental appropriation of \$210,000 to Department of Human Services (DHS) for a temporary 25 percent increase to the certain assisted living facilities in the Medicaid program, which is anticipated to earn a federal match of \$528,000.

Specifically, under the bill, the FY 2021 reimbursement rate for assisted living facilities with a Medicaid population in excess of 50 percent of the facility's total population is to be equal to the rate received on September 30, 2020, plus a 25 percent adjustment. The current rate, under the NJ FamilyCare program, for assisted living facilities is \$77 per diem. Under the bill, the rate for qualifying facilities would increase by \$19.25 to \$96.25 per day.

Each facility is to use no less than 60 percent of the rate adjustment for the sole purpose of increasing wages or supplemental pay for certified nurse aides providing direct care. The remainder of the rate adjustment is to be used for other costs related to COVID-19 preparedness and response, including enhancing infection control measures, cleaning, reconfiguration of the facility to support cohorting, procurement of personal protective equipment, testing, or other staff wages and needs.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO
ASSEMBLY, No. 4864

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 10, 2021

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Assembly Bill No. 4864.

As amended, this bill makes an FY 2021 supplemental appropriation of \$210,000 to the Department of Human Services (DHS) for a temporary 25 percent increase to certain assisted living facilities in the Medicaid program, which is anticipated to earn a federal match of \$528,000. Currently, P.L.2020, c.90 and the FY 2021 Appropriations Act authorize a 10 percent temporary rate adjustment to nursing facilities.

Specifically, under the bill, the FY 2021 reimbursement rate for assisted living residences, comprehensive personal care homes, and assisted living programs with a Medicaid population in excess of 50 percent of the facility's total number of occupied beds is to be equal to the rate received on September 30, 2020, plus a 25 percent adjustment. The current rate, under the NJ FamilyCare program, for assisted living facilities is \$77 per diem. Under the bill, the rate for qualifying facilities would increase by \$19.25 to \$96.25 per day.

Each facility is to use no less than 60 percent of the rate adjustment for the sole purpose of increasing wages or supplemental pay for certified nurse aides providing direct care. The remainder of the rate adjustment is to be used for other costs related to COVID-19 preparedness and response, including enhancing infection control measures, cleaning, reconfiguration of the facility to support cohorting, procurement of personal protective equipment, testing, or other staff wages and needs.

As reported by the committee with amendments, Assembly Bill No. 4864 is identical to Senate Bill No. 3351 which was also reported by the committee on this date, with committee amendments.

COMMITTEE AMENDMENTS:

The committee amendments clarify that the provisions of the bill apply to certain assisted living residences, comprehensive personal care homes, and assisted living programs.

The committee amendments revise the bill to provide that the FY 2021 reimbursement rate adjustment will be applied based on the facility's total number of occupied beds, as opposed to total population at the facility.

The committee amendments change references to "assisted living facilities" to "assisted living residences."

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 4864

with Senate Floor Amendments
(Proposed by Senator WEINBERG)

ADOPTED: JUNE 21, 2021

The Senate floor amendments increase the amount of the supplemental appropriation from \$210,000 to \$3,000,000.

The floor amendments revise the bill to provide that the FY 2021 reimbursement rate adjustment will be applied based on the facility's total amount of beds reported to the Department of Health as of June 1, 2021, as opposed to the total number of occupied beds.

The floor amendments also require that no less than 60 percent of the rate adjustment will be used for the sole purpose of increasing wages or supplemental pay for a member of a facility's staff providing direct care, as opposed to only certified nurse aides providing direct care.

The floor amendments revise the synopsis of the bill to reflect these changes.

SENATE, No. 3351

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JANUARY 12, 2021

Sponsored by:

Senator LORETTA WEINBERG

District 37 (Bergen)

Senator DAWN MARIE ADDIEGO

District 8 (Atlantic, Burlington and Camden)

Co-Sponsored by:

Senator Cryan

SYNOPSIS

Makes FY 2021 supplemental appropriation of \$210,000 to DHS for temporary 25 percent increase to certain assisted living resident providers in Medicaid.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 4/19/2021)

1 A SUPPLEMENT to the Fiscal Year 2021 appropriations act,
2 P.L.2020, c.97.

3
4 BE IT ENACTED by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. In addition to the amounts appropriated under P.L.2020, c.97,
8 there is appropriated out of the General Fund the following sum for
9 the purpose specified:
10

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

24 Special Health Services

7540 Division of Medical Assistance and Health Services

GRANTS-IN-AID

22-7540 General Medical Services \$210,000

Total Grants-In-Aid Appropriation,

Special Health Services \$210,000

Grants-In-Aid:

22 Medical Coverage– Nursing Home (\$210,000)
Residents.....

11
12 2. The following language provision in section 1 of P.L.2020,
13 c.97 is amended as follows:
14

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

24 Special Health Services

7540 Division of Medical Assistance and Health Services

GRANTS-IN-AID

15
16
17
18
19
20
21 Notwithstanding the provisions of any law or regulation to the
22 contrary, the amounts hereinabove appropriated to the General
23 Medical Services program classification are subject to the
24 following condition: assisted living facilities, comprehensive
25 personal care homes, and assisted living programs, shall receive
26 a per diem rate of no less than \$77, \$67, and \$57, respectively, as
27 reimbursement for each NJ FamilyCare beneficiary under their
28 care, provided that the reimbursement rate for assisted living
29 facilities with a Medicaid population in excess of 50 percent of
30 the facility’s total population shall be equal to the rate received
31 on September 30, 2020, plus a 25 percent adjustment. Each
32 facility that qualifies for such a rate adjustment shall use no less
33 than 60 percent of the rate adjustment for the sole purpose of
34 increasing wages or supplemental pay for certified nurse aides
35 providing direct care. The remainder of the rate adjustment shall
36 be used for other costs related to coronavirus disease 2019
37 preparedness and response,including enhancing infection control

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 measures, cleaning, reconfiguration of the facility to support
2 cohorting, procurement of personal protective equipment,
3 testing, or other staff wages and needs.

4
5 3. This act shall take effect immediately.
6

7
8 STATEMENT

9
10 This bill makes an FY 2021 supplemental appropriation of
11 \$210,000 to Department of Human Services (DHS) for a temporary
12 25 percent increase to the certain assisted living facilities in the
13 Medicaid program, which is anticipated to earn a federal match of
14 \$528,000. Currently, P.L.2020, c.90 and the FY 2021
15 Appropriations Act authorize a 10 percent temporary rate
16 adjustment to nursing facilities.

17 The intent of the existing law is to provide nursing facilities with
18 the financial support to respond to the coronavirus disease 2019
19 (COVID-19) pandemic and to comply with the various federal and
20 State requirements imposed upon such facilities to continue to
21 operate during this public health crisis. Assisted living facilities are
22 subject to many of the same requirements, yet are not included in
23 this temporary rate adjustment. It is the sponsor's intent to ensure
24 that all facilities serving the most vulnerable population are
25 provided the same State support as nursing facilities to maintain
26 healthy and safe operations during COVID-19.

27 Specifically, under the bill, the FY 2021 reimbursement rate for
28 assisted living facilities with a Medicaid population in excess of 50
29 percent of the facility's total population is to be equal to the rate
30 received on September 30, 2020, plus a 25 percent adjustment. The
31 current rate, under the NJ FamilyCare program, for assisted living
32 facilities is \$77 per diem. Under the bill, the rate for qualifying
33 facilities would increase by \$19.25 to \$96.25 per day.

34 Each facility is to use no less than 60 percent of the rate
35 adjustment for the sole purpose of increasing wages or
36 supplemental pay for certified nurse aides providing direct care.
37 The remainder of the rate adjustment is to be used for other costs
38 related to COVID-19 preparedness and response, including
39 enhancing infection control measures, cleaning, reconfiguration of
40 the facility to support cohorting, procurement of personal protective
41 equipment, testing, or other staff wages and needs.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO
SENATE, No. 3351

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 10, 2021

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Senate Bill No. 3351.

As amended, this bill makes an FY 2021 supplemental appropriation of \$210,000 to the Department of Human Services (DHS) for a temporary 25 percent increase to certain assisted living facilities in the Medicaid program, which is anticipated to earn a federal match of \$528,000. Currently, P.L.2020, c.90 and the FY 2021 Appropriations Act authorize a 10 percent temporary rate adjustment to nursing facilities.

Specifically, under the bill, the FY 2021 reimbursement rate for assisted living residences, comprehensive personal care homes, and assisted living programs with a Medicaid population in excess of 50 percent of the facility's total number of occupied beds is to be equal to the rate received on September 30, 2020, plus a 25 percent adjustment. The current rate, under the NJ FamilyCare program, for assisted living facilities is \$77 per diem. Under the bill, the rate for qualifying facilities would increase by \$19.25 to \$96.25 per day.

Each facility is to use no less than 60 percent of the rate adjustment for the sole purpose of increasing wages or supplemental pay for certified nurse aides providing direct care. The remainder of the rate adjustment is to be used for other costs related to COVID-19 preparedness and response, including enhancing infection control measures, cleaning, reconfiguration of the facility to support cohorting, procurement of personal protective equipment, testing, or other staff wages and needs.

As reported by the committee with amendments, Senate Bill No. 3351 is identical to Assembly Bill No. 4864 which was also reported by the committee on this date, with amendments.

COMMITTEE AMENDMENTS:

The committee amendments clarify that the provisions of the bill apply to certain assisted living residences, comprehensive personal care homes, and assisted living programs.

The committee amendments revise the bill to provide that the FY 2021 reimbursement rate adjustment will be applied based on the facility's total number of occupied beds, as opposed to total population at the facility.

The committee amendments change references to "assisted living facilities" to "assisted living residences."

STATEMENT TO
[First Reprint]
SENATE, No. 3351

with Senate Floor Amendments
(Proposed by Senator WEINBERG)

ADOPTED: JUNE 21, 2021

The Senate floor amendments increase the amount of the supplemental appropriation from \$210,000 to \$3,000,000.

The floor amendments revise the bill to provide that the FY 2021 reimbursement rate adjustment will be applied based on the facility's total amount of beds reported to the Department of Health as of June 1, 2021, as opposed to the total number of occupied beds.

The floor amendments also require that no less than 60 percent of the rate adjustment will be used for the sole purpose of increasing wages or supplemental pay for a member of a facility's staff providing direct care, as opposed to only certified nurse aides providing direct care.

The floor amendments revise the synopsis of the bill to reflect these changes.

Governor Murphy Takes Action on Legislation

07/23/2021

TRENTON – Today, Governor Phil Murphy signed the following bill into law:

A-4864/S-3351 (Johnson, Vainieri Huttle, Spearman/Weinberg, Addiego) – Makes FY 2021 supplemental appropriation of \$3,000,000 to DHS for temporary 25 percent increase to certain assisted living resident providers in Medicaid.