

10.5-12.2
LEGISLATIVE HISTORY CHECKLIST

NJSA: 10:5-12.2

(Nursing homes-- non-discrimination--
extend to include general assistance)

LAWS OF: 1987

CHAPTER: 367

Bill No: A3482

Sponsor(s): Gargiulo and Dario

Date Introduced: December 8, 1986

Committee: Assembly: Health and Human Services

Senate: Institutions, Health and Welfare

Amended during passage:

Yes

Amendments during passage denoted
by asterisks.

Date of Passage:

Assembly:

June 22, 1987

Senate:

December 17, 1987

Date of Approval: January 6, 1988

Following statements are attached if available:

Sponsor statement:

Yes

Attached: Assembly
amendments, adopted 6-
18-87 (with statement)

Committee statement:

Assembly

Yes

Senate

Yes

Fiscal Note:

No

Veto Message:

No

Message on Signing:

No

Following were printed:

Reports:

No

Hearings:

No

361

1-6-88

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ASSEMBLY, No. 3482

STATE OF NEW JERSEY

INTRODUCED DECEMBER 8, 1986

By Assemblymen GARGIULO and DARIO

AN ACT concerning nursing home patients and amending P. L. 1985,
c. 303.

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

1 1. Section 2 of P. L. 1985, c. 303 (C. 10:5-12.2) is amended to
2 read as follows:

3 2. It shall be an unlawful discrimination for any skilled nursing
4 or intermediate care facility which is a Medicaid provider pur-
5 suant to P. L. 1968, c. 413 (C. 30:4D-1 et seq.) and whose Medicaid
6 occupancy level is less than the Statewide occupancy level, to deny
7 admission to a qualified Medicaid applicant **or a recipient of public*
8 *assistance under P. L. 1947, c. 156 (C. 44:8-107 et seq.)** when a
9 nursing home bed becomes available; except that this requirement
10 shall not be construed to apply to the transfer of a resident from a
11 residential unit to a nursing care unit within a facility, as defined by
12 regulation, or prohibit a life care community, as defined by regula-
13 tion, from contracting with its own residents for prior rights to
14 beds in the nursing care unit of the community. The Commissioner
15 of Human Services shall modify this requirement based on the
16 licensed bed capacity and the financial condition of a facility but in
17 no case shall the Medicaid occupancy level of that facility be less
18 than 35%. The commissioner shall by September 1 of each year
19 provide the Institutions, Health and Welfare Committee of the
20 Senate, the Corrections, Health and Human Services Committee of
21 the General Assembly, and the Governor with a report stating in

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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Assembly amendment adopted June 18, 1987.

22 specific detail the adverse financial condition of each facility
23 exempted from this requirement. The criteria used by the commis-
24 sioner to modify this requirement shall be contained in regulations
25 which he shall adopt pursuant to the "Administrative Procedure
26 Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), and a list of all
27 skilled nursing or intermediate care facilities granted a modification
28 by the commissioner shall be published in the New Jersey Register
29 within one month of the commissioner's granting of the modifica-
30 tion. Nothing in this section shall be construed to prohibit a
31 religiously affiliated skilled nursing or intermediate care facility
31A from utilizing religious affiliation as a uniform qualification for
31B admission.

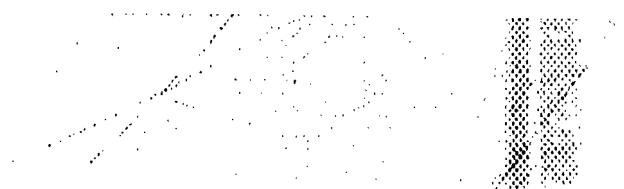
32 For the purpose of this subsection and section 3 of this amen-
33 datory and supplementary act, "Statewide occupancy level" means
34 45% of the total number of licensed beds in a skilled nursing or
35 intermediate care facility for the first year following the effective
36 date of this amendatory and supplementary act. For each year
37 thereafter, the Commissioner of Human Services shall annually
38 determine the Statewide occupancy level based on the commis-
39 sioner's projection of the need for nursing facility bed space for
40 qualified Medicaid applicants for that year, but the level shall not
41 be less than 45%. Upon making the determination of what the
42 Statewide occupancy level shall be for the next year, the commis-
43 sioner shall promptly notify the members of the Senate Institu-
44 tions, Health and Welfare Committee and General Assembly
45 Corrections, Health and Human Services Committee, in writing,
46 about the proposed level and the commissioner's rationale for so
47 determining the level. After notifying the committee members, the
48 commissioner shall adopt the Statewide occupancy level by regula-
49 tion pursuant to the "Administrative Procedure Act," P. L. 1968,
50 c. 410 (C. 52:14B-1 et seq.).

51 For the purpose of this section and section 3 of this amendatory
52 and supplementary act, "Medicaid occupancy level" means the
53 average number of Medicaid recipients *and recipients of public*
54 *assistance under P. L. 1947, c. 156 (C. 44:8-107 et seq.)* residing in
55 a skilled nursing or intermediate care facility divided by the total
56 number of licensed beds in the facility during that month. The
57 Department of Human Services shall compile this information on
58 a monthly basis and it shall be made available to the public upon
59 request. This information shall be provided to the Division on
60 Civil Rights on a monthly basis.

1 2. This act shall take effect immediately.

HEALTH CARE FACILITIES AND PROVIDERS

Includes general assistance recipients in definition of "Medicaid
occupancy level."



ASSEMBLY FLOOR Amendments
Proposed by Assemblyman *Garguilo*

to

ASSEMBLY Bill No. 3482
Sponsored by Assemblymen Garguilo & Dario

APR 18 1987

Amend:

Page	Sec.	Line
1	1	7

After "applicant" insert "or a recipient of public assistance under P.L. 1947, c. 156 (C. 44:8-107 et seq.)"

STATEMENT

Assembly Bill No. 3482 broadens the definition of Medicaid occupancy level" to include general public assistance recipients.

In order to ensure that these recipients are not denied admission to a nursing home because they are general public assistance recipients, this amendment provides that a nursing home shall not be permitted to deny admission to a recipient of general public assistance, as it is currently not permitted to deny admission to a Medicaid recipient, when the nursing home's Medicaid occupancy level is less than the Statewide Medicaid occupancy level. Presently, the Statewide Medicaid occupancy level is 45%.

ASSEMBLY HEALTH AND HUMAN RESOURCES
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3482

STATE OF NEW JERSEY

DATED: MAY 18, 1987

The Assembly Health and Human Resources Committee reports favorably Assembly Bill No. 3482.

This bill expands the definition of "Medicaid occupancy level" in section 2 of P. L. 1985, c. 303 (C. 10:5-12.2), the law which prohibits nursing homes from discriminating against Medicaid-eligible persons seeking admission as patients, to include municipal general assistance (GA) recipients under P. L. 1947, c. 156 (C. 44:8-107 et seq.).

P. L. 1985, c. 303 prohibits a skilled nursing or intermediate care facility which accepts Medicaid patients and has a Medicaid occupancy level that is less than the Statewide occupancy level, as determined by the Commissioner of Human Services, from denying admission to a Medicaid-eligible person.

This bill is intended to protect the interests of GA recipients seeking admission to nursing homes who are not now included in the antidiscrimination provisions of P. L. 1985, c. 303. According to data supplied by the Department of Human Services, there were 576 GA recipients receiving nursing home care in calendar year 1986 with \$2.7 million total expenditures on their behalf (75% by the State and 25% by the municipalities).

SENATE INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 3482

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STATE OF NEW JERSEY

DATED: DECEMBER 7, 1987

The Senate Institutions, Health and Welfare Committee favorably reports Assembly Bill No. 3482 OCR.

This bill expands the definition of "Medicaid occupancy level" in section 2 of P. L. 1985, c. 303 (C. 10:5-12.2), the law which prohibits nursing homes from discriminating against Medicaid-eligible persons seeking admission as patients, to include recipients of municipal general assistance (GA). The bill also provides that a nursing home shall not deny admission to a GA recipient if the home's Medicaid occupancy level is less than the Statewide occupancy level.

P. L. 1985, c. 303 currently prohibits a skilled nursing or intermediate care facility which accepts Medicaid patients and has a Medicaid occupancy level that is less than the Statewide occupancy level, as determined by the Commissioner of Human Services, from denying admission to a Medicaid-eligible person.

This bill is intended to protect the interests of GA recipients seeking admission to nursing homes who are now included in the antidiscrimination provisions of P. L. 1985, c. 303. According to data supplied by the Department of Human Services, there were 576 GA recipients receiving nursing home care in calendar year 1986 with \$2.7 million total expenditures on their behalf (75% by the State and 25% by the municipalities).

This bill is identical to Senate Bill No. 3364 Sea (Jackman) which the committee also reported favorably on this date.

STATEMENT

This bill broadens the definition of "Medicaid occupancy level" provided in P. L. 1985, c. 303 to include general public assistance recipients. The bill is intended to protect the interests of general public assistance recipients seeking admission to nursing homes who are disabled but not receiving Medicaid, and are therefore excluded from the nondiscrimination provisions of the existing law.

HEALTH CARE FACILITIES AND PROVIDERS

Includes general assistance recipients in definition of "Medicaid occupancy level."
