

ASSEMBLY, No. 4582

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED JUNE 13, 2024

Sponsored by:

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington)

Assemblywoman GARNET R. HALL

District 28 (Essex and Union)

SYNOPSIS

Requires DOH to make various changes to provision of long-term care.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/20/2024)

1 AN ACT concerning long-term care facilities and supplementing
2 Title 26 of the Revised Statutes.

3

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

6

7 1. The Commissioner of Health shall:

8 a. develop a demonstration project to incentivize the creation
9 of dementia care villages that consist of small home models of care;

10 b. encourage new construction and major renovations of
11 nursing homes with focus on private rooms and baths, clustering,
12 neighborhood unit configuration, and increased outdoor recreation
13 space and access to natural sunlight;

14 c. aim to eliminate higher occupancy bedrooms in nursing
15 homes that consist of three or more persons per bedroom;

16 d. promulgate regulations to prevent the construction of new
17 large, hospital-style nursing homes;

18 e. facilitate a planned and orderly downsizing of nursing
19 homes, through a grant program from available funds to fund
20 certain downsizing expenses for voluntary bed reductions to
21 promote single rooms or repurposing;

22 f. in conjunction with the Division of Veterans' Healthcare
23 Services in the Department of Military and Veterans' Affairs, ensure
24 that at least one State veterans' memorial home has the ability to
25 care for veterans who require ventilator care, and ensure that each
26 resident of a State veterans' memorial home has access to mental
27 health services;

28 g. develop an action plan to elevate the timeliness of nursing
29 home standard surveys in order to reach and surpass national
30 standards;

31 h. publish easily accessible data on the type and number of
32 deficiencies cited in nursing homes, including comparative data
33 from other states;

34 i. update State nursing home regulations to meet or exceed
35 federal regulations, with particular focus on the regulations that
36 concern the rights of residents;

37 j. expand funding for Mission Critical Long-Term Care Teams
38 from available funds;

39 k. curtail admissions in appropriate circumstances if a nursing
40 home consistently fails to meet minimum staffing ratios;

41 l. review results of federal research on nursing home staffing
42 standards and determine whether further refinement or modification
43 of New Jersey's existing minimum staffing standards is necessary;

44 m. review the accuracy and relevance of nursing procedures and
45 clinical characteristics used to adjust staffing minimums in nursing
46 home staffing standards;

47 n. in conjunction with the Department of Human Services,
48 include detailed and verifiable ownership information about any

- 1 person or group that owns any part of a nursing home in State cost
2 reports;
- 3 o. require annual independently audited financial statements
4 for individual nursing homes that report nursing home spending on
5 related party transactions;
- 6 p. collaborate with the Department of Human Services to adjust
7 Medicaid payment rates based on differences in acuity of residents,
8 with strong consideration given to the patient-driven payment
9 model, and undertake a careful re-examination of Medicaid capital
10 payment policies in order to support and incentivize small homes
11 and single rooms for residents;
- 12 q. reform the State’s quality incentive payment program for
13 nursing homes in order to incorporate meaningful and actionable
14 performance metrics such as 24 hour per day registered nurse
15 coverage, nursing turnover rate, weekend staffing, and presence of
16 single rooms for residents;
- 17 r. establish standards for improving airflow systems in nursing
18 homes;
- 19 s. adopt more rigorous certification standards for infection
20 preventionists working in nursing homes than what is required by
21 the federal government;
- 22 t. work with the federal government to streamline and align
23 federal policy guidance regarding infection control and prevention
24 to the maximum extent appropriate;
- 25 u. develop a Statewide essential caregiver policy, which is
26 consistent with applicable federal and State laws, regulations, and
27 guidance, that permits residents to designate essential caregivers
28 who may visit with them during an outbreak, epidemic, or pandemic
29 of an infectious disease;
- 30 v. provide incentives for nursing homes that vaccinate at least
31 90 percent of the residents;
- 32 w. prioritize enforcement of the federal requirement that
33 nursing homes have an active resident council, and develop a plan
34 to expand the number of family councils present in nursing homes;
35 and
- 36 x. establish a Statewide resident and family support network to
37 provide feedback to State agencies and departments, including the
38 Department of Health, Department of Human Services, and the
39 Office of the State Long-Term Care Ombudsman.
- 40
- 41 2. The Commissioner of Health shall adopt rules and
42 regulations, in accordance with the “Administrative Procedure Act,”
43 P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary to effectuate
44 the provisions of this act.
- 45
- 46 3. This act shall take effect immediately.

STATEMENT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

This bill requires the Department of Health to make various changes to the provision of long-term care.

Under the bill, the Commissioner of Health is to: 1) develop a demonstration project to incentivize the creation of dementia care villages that consist of small home models of care; 2) encourage new construction and major renovations of nursing homes with focus on private rooms and baths, clustering, neighborhood unit configuration, and increased outdoor recreation space and access to natural sunlight; 3) aim to eliminate higher occupancy bedrooms in nursing homes that consist of three or more persons per bedroom; 4) promulgate regulations to prevent the construction of new large, hospital-style nursing homes; 5) facilitate a planned and orderly downsizing of nursing homes, through a grant program from available funds to fund certain downsizing expenses for voluntary bed reductions to promote single rooms or repurposing; 6) update State nursing home regulations to meet or exceed federal regulations, with particular focus on the regulations that concern the rights of residents; 7) curtail admissions in appropriate circumstances if a nursing home consistently fails to meet minimum staffing ratios; 8) review results of federal research on nursing home staffing standards and determine whether further refinement or modification of New Jersey's existing minimum staffing standards is necessary; 9) in conjunction with the Department of Human Services, include detailed and verifiable ownership information about any person or group that owns any part of a nursing home in State cost reports; 10) require annual independently audited financial statements for individual nursing homes that report nursing home spending on related party transactions; 11) reform the State's quality incentive payment program for nursing homes in order to incorporate meaningful and actionable performance metrics such as 24 hour per day registered nurse coverage, nursing turnover rate, weekend staffing, and presence of single rooms for residents; 12) establish standards for improving airflow systems in nursing homes; 13) adopt more rigorous certification standards for infection preventionists working in nursing homes than what is required by the federal government; 14) work with the federal government to streamline and align federal policy guidance regarding infection control and prevention to the maximum extent appropriate; 15) develop a Statewide essential caregiver policy, which is consistent with applicable federal and State laws, regulations, and guidance, that permits residents to designate essential caregivers who may visit with them during an outbreak, epidemic, or pandemic of an infectious disease; 16) provide incentives for nursing homes that vaccinate at least 90 percent of the residents; and 17) prioritize enforcement of the federal requirement that nursing homes have an active resident

A4582 CONAWAY, HALL

5

- 1 council, and develop a plan to expand the number of family
- 2 councils present in nursing homes.