

[First Reprint]

**ASSEMBLY, No. 4479**

**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

INTRODUCED JULY 30, 2020

**Sponsored by:**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Assemblyman LOUIS D. GREENWALD**

**District 6 (Burlington and Camden)**

**Assemblywoman MILA M. JASEY**

**District 27 (Essex and Morris)**

**Co-Sponsored by:**

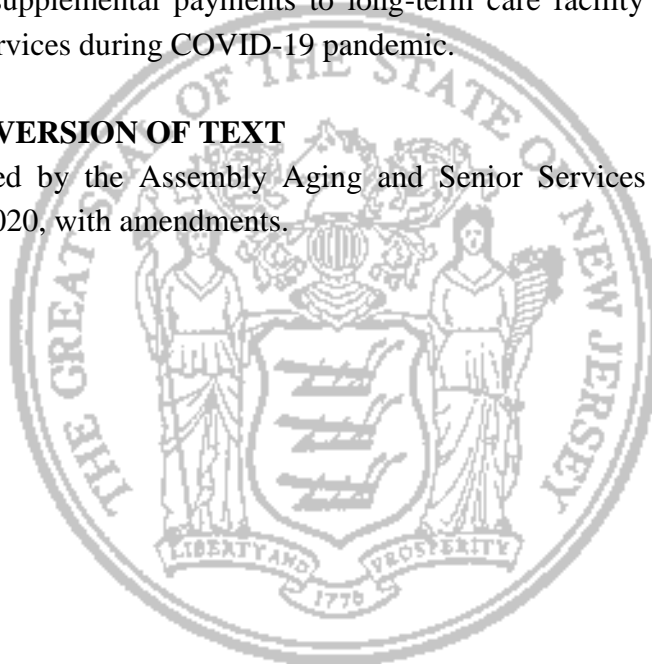
**Assemblywomen Speight, McKnight, Reynolds-Jackson, Assemblyman Johnson, Assemblywoman Tucker, Assemblymen Mejia, Benson, Assemblywomen Murphy, Pinkin and Downey**

**SYNOPSIS**

Provides supplemental payments to long-term care facility staff providing direct care services during COVID-19 pandemic.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Aging and Senior Services Committee on August 24, 2020, with amendments.



**(Sponsorship Updated As Of: 9/24/2020)**

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. a. Subject to the availability of federal funds provided or  
8 made accessible to the State in response to the coronavirus disease  
9 2019 (COVID-19) pandemic, including, but not limited to, federal  
10 block grant funds allocated to the State from the federal  
11 “Coronavirus Relief Fund” established pursuant to the federal <sup>1</sup>“  
12 Coronavirus Aid, Relief, and Economic Security Act (CARES  
13 Act),” Pub.L.116-136, the State Treasurer shall establish <sup>1</sup>:

14 (1)<sup>1</sup> a program to make a one-time, lump-sum payment to any  
15 employee of <sup>1</sup>a<sup>1</sup> long-term care facility who, during the period  
16 commencing from March 9, 2020 through the effective date of this  
17 act:

18 <sup>1</sup>[(1)] (a)<sup>1</sup> worked at least 10 consecutive or non-consecutive  
19 weeks during which the employee provided direct care services  
20 <sup>1</sup>[to] at a<sup>1</sup> long-term care facility <sup>1</sup>[residents]<sup>1</sup>;

21 <sup>1</sup>[(2)] (b)<sup>1</sup> during each of those 10 weeks, provided at least 25  
22 hours of direct care services <sup>1</sup>[to] at a<sup>1</sup> long-term care facility  
23 <sup>1</sup>[residents]<sup>1</sup>, which 25 hours may have been provided in a single  
24 long-term care facility or in multiple long-term care facilities during  
25 that week; and

26 <sup>1</sup>[(3)] (c)<sup>1</sup> during each of those 10 weeks, earned an hourly  
27 wage of less than \$25 per hour or a salary that is equivalent to a  
28 wage of less than \$25 per hour<sup>1</sup>; and

29 (2) a grant program for long-term care facilities to provide  
30 supplemental payments to certain staff who provide direct care  
31 services at the facility. A facility shall be eligible for a grant award  
32 under this paragraph if the facility provides supplemental pay to  
33 staff members who deliver at least 25 hours of direct care services  
34 per week and who earn an hourly wage of less than \$25 per hour or  
35 a salary that is equivalent to a wage of less than \$25 per hour. As a  
36 condition of receipt of a grant award, a facility shall submit a report  
37 to the State Treasurer, in a method and manner determined by the  
38 State Treasurer, documenting that the facility distributed 100  
39 percent of the grant funds for such supplemental payments. A  
40 facility that fails to meet any requirement of this paragraph shall be  
41 subject to recoupment of the grant funds by the State in any amount  
42 not to exceed the total amount of the grant award<sup>1</sup>.

43 b. The State Treasurer shall determine the amount of the  
44 payment to be made to <sup>1</sup>[direct-care staff in]<sup>1</sup> long-term care

**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:

<sup>1</sup>Assembly ASE committee amendments adopted August 24, 2020.

1 1[facilities] facility staff who provide direct care services<sup>1</sup> pursuant  
2 to 1paragraph (1) of subsection a. of<sup>1</sup> this section <sup>1</sup>and the maximum  
3 grant award to be issued to a long-term care facility pursuant to  
4 paragraph (2) of subsection b. of this section<sup>1</sup> based on the total  
5 amount of available funds and the anticipated number of applicants  
6 1[for a payment]<sup>1</sup> under this section, and shall establish a  
7 standardized online application process that includes a mechanism  
8 to verify applicant information 1and ensures that long-term care  
9 facility staff who provide direct care services participate in only one  
10 program established in this section<sup>1</sup> .

11 c. The State Treasurer may revise or issue a blanket waiver of  
12 any of the eligibility criteria for a payment 1or grant award<sup>1</sup> set  
13 forth in this section as the State Treasurer deems appropriate, and  
14 may establish any additional qualification or eligibility criteria for a  
15 payment 1or grant award<sup>1</sup> under this section as the State Treasurer  
16 deems appropriate, provided such revision, waiver, or additional  
17 criterion is consistent with the goal of providing supplemental  
18 income to the broadest range of low-wage staff providing direct  
19 care services 1[to] at<sup>1</sup> long-term care <sup>1</sup>[facility residents] facilities<sup>1</sup>  
20 during the COVID-19 pandemic as possible. Subject to the  
21 availability of funds and any restrictions established by federal law  
22 that apply to the use or distribution of available funds, the State  
23 Treasurer shall have the discretion to expand the payment program  
24 1and grant program<sup>1</sup> established under this section to include  
25 additional groups of individuals or professionals who provided  
26 health care services directly to patients during the COVID-19  
27 pandemic.

28 d. In no case may a long-term care facility reduce the amount  
29 of the wage ordinarily paid to a staff member who receives a  
30 payment under this section. A long-term care facility that violates  
31 the provisions of this subsection shall be liable to a civil penalty of  
32 \$1,000 for each violation, which civil penalty shall be collected by  
33 and in the name of the Department of Health in summary  
34 proceedings before a court of competent jurisdiction pursuant to the  
35 provisions of the "Penalty Enforcement Law of 1999," P.L.1999,  
36 c.274 (C.2A:58-10 et seq.).

37 e. The Governor, the State Treasurer, the Commissioners of  
38 Health and Human Services, and the Director of the Division of  
39 Consumer Affairs in the Department of Law and Public Safety,  
40 shall each take appropriate steps to provide notice to 1[direct-care  
41 staff working in]<sup>1</sup> long-term care facilities <sup>1</sup>and facility staff who  
42 provide direct care services<sup>1</sup> of the availability of payments and  
43 grants being made under this section, and shall provide a link  
44 through their respective Internet websites to the application  
45 materials to receive a payment 1or grant<sup>1</sup> under this section.

46 f. Nothing in this section shall be construed to restrict the  
47 ability of the State Treasurer or any other entity of State, county, or  
48 local government to establish any other wage assistance program or

1 to make additional or future payments to any group of individuals  
2 or professionals from funding available from any source, including,  
3 but not limited to, federal funds as may be available for this  
4 purpose.

5 g. As used in this section:

6 "Direct care services" means services <sup>1</sup>involving personal care,  
7 assistance, or treatment that are <sup>1</sup>provided <sup>1</sup>directly to residents  
8 of by an individual employed by or providing services at<sup>1</sup> a long-  
9 term care facility <sup>1</sup>by a health care professional licensed or  
10 certified pursuant to Title 26 or Title 45 of the Revised Statutes]  
11 who comes into contact with residents, direct care workers, or  
12 materials that have been exposed to residents or direct care workers  
13 during the course of work, including, but not limited to, such  
14 services as: personal care, assistance, or treatment provided directly  
15 to residents of the facility; housekeeping, dietary, laundry, and  
16 social work activities; and facility maintenance<sup>1</sup>.

17 "Long-term care facility" means a nursing home, assisted living  
18 residence, comprehensive personal care home, residential health  
19 care facility, or dementia care home licensed pursuant to P.L.1971,  
20 c.136 (C.26:2H-1 et seq.).

21

22 2. This act shall take effect immediately.