SENATE, No. 2788

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JULY 30, 2020

Sponsored by:
Senator M. TERESA RUIZ
District 29 (Essex)
Senator NELLIE POU
District 35 (Bergen and Passaic)

SYNOPSIS

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

CURRENT VERSION OF TEXT

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

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

1. a. Subject to the availability of federal funds provided or made accessible to the State in response to the coronavirus disease 2019 (COVID-19) pandemic, including, but not limited to, federal block grant funds allocated to the State from the federal “Coronavirus Relief Fund” established pursuant to the federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act),” Pub.L.116-136, the State Treasurer shall establish a program to make a one-time, lump-sum payment to any employee of long-term care facility who, during the period commencing from March 9, 2020 through the effective date of this act:

   (1) worked at least 10 consecutive or non-consecutive weeks during which the employee provided direct care services to long-term care facility residents;

   (2) during each of those 10 weeks, provided at least 25 hours of direct care services to long-term care facility residents, which 25 hours may have been provided in a single long-term care facility or in multiple long-term care facilities during that week; and

   (3) during each of those 10 weeks, earned an hourly wage of less than $25 per hour or a salary that is equivalent to a wage of less than $25 per hour.

   b. The State Treasurer shall determine the amount of the payment to be made to direct-care staff in long-term care facilities pursuant to this section based on the total amount of available funds and the anticipated number of applicants for a payment under this section, and shall establish a standardized online application process that includes a mechanism to verify applicant information.

   c. The State Treasurer may revise or issue a blanket waiver of any of the eligibility criteria for a payment set forth in this section as the State Treasurer deems appropriate, and may establish any additional qualification or eligibility criteria for a payment under this section as the State Treasurer deems appropriate, provided such revision, waiver, or additional criterion is consistent with the goal of providing supplemental income to the broadest range of low-wage staff providing direct care services to long-term care facility residents during the COVID-19 pandemic as possible. Subject to the availability of funds and any restrictions established by federal law that apply to the use or distribution of available funds, the State Treasurer shall have the discretion to expand the payment program established under this section to include additional groups of individuals or professionals who provided health care services directly to patients during the COVID-19 pandemic.

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

e. The Governor, the State Treasurer, the Commissioners of Health and Human Services, and the Director of the Division of Consumer Affairs in the Department of Law and Public Safety, shall each take appropriate steps to provide notice to direct care staff working in long-term care facilities of the availability of payments being made under this section, and shall provide a link through their respective Internet websites to the application materials to receive a payment under this section.
f. Nothing in this section shall be construed to restrict the ability of the State Treasurer or any other entity of State, county, or local government to establish any other wage assistance program or to make additional or future payments to any group of individuals or professionals from funding available from any source, including, but not limited to, federal funds as may be available for this purpose.
g. As used in this section:

"Direct care services” means services involving personal care, assistance, or treatment that are provided directly to residents of a long-term care facility by a health care professional licensed or certified pursuant to Title 26 or Title 45 of the Revised Statutes.

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

2. This act shall take effect immediately.

STATEMENT

This bill establishes a program to provide one-time, lump-sum payments to staff members employed by a long-term care facility who provided a certain volume of direct care services to facility residents during the coronavirus disease 2019 (COVID-19) pandemic.

Specifically, subject to the availability of federal funds provided or made accessible to the State in response to the coronavirus disease 2019 (COVID-19) pandemic, the State Treasurer will be required to establish a program to make a one-time, lump-sum payment to any employee of long-term care facility who, during the period commencing from March 9, 2020 through the effective date
of the bill: (1) worked at least 10 consecutive or non-consecutive weeks during which the employee provided direct care services to long-term care facility residents; (2) during each of those 10 weeks, provided at least 25 hours of direct care services to long-term care facility residents, which 25 hours may have been provided in a single long-term care facility or in multiple long-term care facilities during that week; and (3) during each of those 10 weeks, earned an hourly wage of less than $25 per hour or a salary that is equivalent to a wage of less than $25 per hour.

The State Treasurer will determine the amount of the payment to be made to direct-care staff under the bill, based on the total amount of available funds and the anticipated number of applicants for a payment, and will establish a standardized online application process that includes a mechanism to verify applicant information.

The State Treasurer will have the authority to revise or issue a blanket waiver of any of the eligibility criteria for a payment under the bill, and may establish any additional qualification or eligibility criteria, provided such revision, waiver, or additional criterion is consistent with the goal of providing supplemental income to the broadest range of low-wage staff providing direct care services to long-term care facility residents during the COVID-19 pandemic as possible. Subject to the availability of funds and any federal restrictions that apply to the use or distribution of available funds, the State Treasurer will have the discretion to expand the payment program to include additional groups of individuals or professionals who provided health care services directly to patients during the COVID-19 pandemic.

In no case may a long-term care facility reduce the amount of the wage ordinarily paid to a staff member who receives a payment under the bill. A long-term care facility that violates this prohibition will be liable to a civil penalty of $1,000 for each violation.

The Governor, the State Treasurer, the Commissioners of Health and Human Services, and the Director of the Division of Consumer Affairs in the Department of Law and Public Safety, will each be required to take appropriate steps to provide notice to direct care staff working in long-term care facilities of the availability of payments being made under this section, including providing a link through their respective Internet websites to the application materials to request a payment under the bill.

Nothing in the bill is to be construed to restrict the ability of the State Treasurer or any other entity of State, county, or local government to establish any other wage assistance program or to make additional or future payments to any group of individuals or professionals from funding available from any source, including, but not limited to, federal funds as may be available for this purpose.