

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.



(Sponsorship Updated As Of: 8/3/2020)

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
12 Coronavirus Aid, Relief, and Economic Security Act (CARES
13 Act),” Pub.L.116-136, the State Treasurer shall establish a program
14 to make a one-time, lump-sum payment to any employee of long-
15 term care facility who, during the period commencing from March
16 9, 2020 through the effective date of this act:

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

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

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

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

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

48 d. In no case may a long-term care facility reduce the amount

1 of the wage ordinarily paid to a staff member who receives a
2 payment under this section. A long-term care facility that violates
3 the provisions of this subsection shall be liable to a civil penalty of
4 \$1,000 for each violation, which civil penalty shall be collected by
5 and in the name of the Department of Health in summary
6 proceedings before a court of competent jurisdiction pursuant to the
7 provisions of the "Penalty Enforcement Law of 1999," P.L.1999,
8 c.274 (C.2A:58-10 et seq.).

9 e. The Governor, the State Treasurer, the Commissioners of
10 Health and Human Services, and the Director of the Division of
11 Consumer Affairs in the Department of Law and Public Safety,
12 shall each take appropriate steps to provide notice to direct care
13 staff working in long-term care facilities of the availability of
14 payments being made under this section, and shall provide a link
15 through their respective Internet websites to the application
16 materials to receive a payment under this section.

17 f. Nothing in this section shall be construed to restrict the
18 ability of the State Treasurer or any other entity of State, county, or
19 local government to establish any other wage assistance program or
20 to make additional or future payments to any group of individuals
21 or professionals from funding available from any source, including,
22 but not limited to, federal funds as may be available for this
23 purpose.

24 g. As used in this section:

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

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

33
34 2. This act shall take effect immediately.
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37 STATEMENT
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39 This bill establishes a program to provide one-time, lump-sum
40 payments to staff members employed by a long-term care facility
41 who provided a certain volume of direct care services to facility
42 residents during the coronavirus disease 2019 (COVID-19)
43 pandemic.

44 Specifically, subject to the availability of federal funds provided
45 or made accessible to the State in response to the coronavirus
46 disease 2019 (COVID-19) pandemic, the State Treasurer will be
47 required to establish a program to make a one-time, lump-sum
48 payment to any employee of long-term care facility who, during the
49 period commencing from March 9, 2020 through the effective date

1 of the bill: (1) worked at least 10 consecutive or non-consecutive
2 weeks during which the employee provided direct care services to
3 long-term care facility residents; (2) during each of those 10 weeks,
4 provided at least 25 hours of direct care services to long-term care
5 facility residents, which 25 hours may have been provided in a
6 single long-term care facility or in multiple long-term care facilities
7 during that week; and (3) during each of those 10 weeks, earned an
8 hourly wage of less than \$25 per hour or a salary that is equivalent
9 to a wage of less than \$25 per hour.

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

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

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

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

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