

[First Reprint]

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)

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 Senate Health, Human Services and Senior Citizens Committee on August 25, 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 ¹“
12 Coronavirus Aid, Relief, and Economic Security Act (CARES
13 Act),” Pub.L.116-136, the State Treasurer shall establish ¹:

14 (1)¹ a program to make a one-time, lump-sum payment to any
15 employee of ¹a¹ long-term care facility who, during the period
16 commencing from March 9, 2020 through the effective date of this
17 act:

18 ¹[(1)] (a) ¹ worked at least 10 consecutive or non-consecutive
19 weeks during which the employee provided direct care services
20 ¹to ¹at a¹ long-term care facility ¹residents¹;

21 ¹[(2)] (b) ¹ during each of those 10 weeks, provided at least 25
22 hours of direct care services ¹to ¹at a¹ long-term care facility
23 ¹residents¹, 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 ¹[(3)] (c) ¹ 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 hour¹; 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 award¹.

43 b. The State Treasurer shall determine the amount of the
44 payment to be made to ¹direct-care staff in¹ 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:

¹Senate SHH committee amendments adopted August 25, 2020.

1 1[facilities] facility staff who provide direct care services¹ pursuant
2 to 1paragraph (1) of subsection a. of¹ this section¹ 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 section¹ based on the total
5 amount of available funds and the anticipated number of applicants
6 1[for a payment]¹ 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 section¹ .

11 c. The State Treasurer may revise or issue a blanket waiver of
12 any of the eligibility criteria for a payment 1or grant award¹ 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 award¹ 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] at¹ long-term care 1[facility residents]
20 facilities¹ during the COVID-19 pandemic as possible. Subject to
21 the availability of funds and any restrictions established by federal
22 law 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 program¹ 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]¹ long-term care facilities¹ and 1facility staff who
42 provide direct care services¹ 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 grant¹ 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

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

6 g. As used in this section:

7 "Direct care services" means services ¹【involving personal care,
8 assistance, or treatment that are】¹ provided ¹【directly to residents
9 of】 by an individual employed by or providing services at¹ a long-
10 term care facility ¹【by a health care professional licensed or
11 certified pursuant to Title 26 or Title 45 of the Revised Statutes】
12 who comes into contact with residents, direct care workers, or
13 materials that have been exposed to residents or direct care workers
14 during the course of work, including, but not limited to, such
15 services as: personal care, assistance, or treatment provided directly
16 to residents of the facility; housekeeping, dietary, laundry, and
17 social work activities; and facility maintenance¹.

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

22

23 2. This act shall take effect immediately.