

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 537

STATE OF NEW JERSEY
219th LEGISLATURE

DATED: MARCH 17, 2021

SUMMARY

- Synopsis:** Establishes certain minimum and maximum temperatures in rooming and boarding houses, dementia care homes, certain nursing homes, and residential health care facilities.
- Type of Impact:** State and local expenditure increases.
- Agencies Affected:** Department of Health; Department of Human Services; Department of Military and Veterans Affairs; Department of Children and Families; Department of Community Affairs; counties that operate nursing homes, and rooming and boarding houses.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Cost Increase	Marginal
Local Cost Increase	Marginal

- The Office of Legislative Services (OLS) concludes that nursing homes and rooming and boarding houses operated by the Department of Military and Veterans Affairs (DMAVA) and certain counties may incur marginal costs to maintain temperatures within the range of 65 through 81 degrees Fahrenheit, as required under this bill.
- The OLS also finds that the Departments of Health, Human Services, Community Affairs, Military and Veterans Affairs, Children and Families, and certain counties may experience a marginal increase in costs to ensure that the facilities under their licensing and regulatory purview comply with the temperature requirements established pursuant to this bill. However, these departments and the affected counties would likely include temperature measures as part of the periodic facility inspections conducted pursuant to current statute or regulation.

BILL DESCRIPTION

This bill requires that the temperature within rooming and boarding houses, dementia care homes, nursing homes, and residential health care facilities be maintained within a range of 65 through 81 degrees Fahrenheit. This standard would not apply to nursing facilities, or to residential health care facilities that are owned by a licensed health care facility and licensed by the Department of Health, that are in compliance with applicable federal regulations.

The temperature requirements under this bill would be restricted to areas of the facilities that are used by the residents or patients. The temperature requirements would not apply to rooms designated for activities requiring physical exertion, or rooms where residents can individually control the temperature in their own living units, independent from other areas.

In the case of nursing homes and residential health care facilities, current law permits the Commissioner of Health to waive certain air conditioning requirements if compliance with the requirements would cause serious financial hardship, or if the nursing home or residential health care facility has not been constructed or expanded since August 17, 1989. This bill does not remove these existing exceptions to temperature control requirements.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that the DMAVA and certain counties would incur marginally higher costs to ensure that DMAVA- and county-operated nursing homes, and DMAVA- and county-operated rooming and boarding houses maintain the temperature range established under the bill. Nursing facilities and residential health care facilities that are owned by a licensed health care facility and licensed by the Department of Health are exempt from the temperature standard established under the bill, provided these facilities are in compliance with federal regulatory requirements for nursing homes participating in the Medicare and Medicaid programs, which currently requires certain facilities to maintain a temperature range of 71 to 81 degrees Fahrenheit.

Moreover, certain counties, as well as the Departments of Health, Human Services, Community Affairs, Children and Families, and DMAVA may incur marginally higher costs to ensure that facilities under their purview comply with the new temperature standards established pursuant to this bill. To the extent that these departments and the relevant counties incorporate temperature measures into the periodic facility inspections conducted pursuant to current statute or regulation, costs to the State and the affected counties would be minimized.

Section: Human Services

Analyst: Anne H. Cappabianca
Assistant Fiscal Analyst

Approved: Thomas Koenig
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).