

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 537

STATE OF NEW JERSEY

DATED: AUGUST 24, 2020

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 537.

This bill requires that the temperature within emergency shelters, rooming and boarding houses, nursing homes, and residential health care facilities be maintained within a range of 65 through 81 degrees Fahrenheit. This standard is not to 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 the 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.

The temperature requirements in this bill are to apply to areas of the facilities that are used by the residents or patients. The temperature requirements are not to 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 waivers of the temperature control requirements. The bill permits the commissioner to additionally grant a waiver to nursing homes or residential health care facilities in the case of an unusual event resulting from causes outside the control of the facility, including a government-declared state of emergency or disaster, which results in the facility being unable to maintain the temperature requirements provided in the bill.

FISCAL IMPACT:

The Office of Legislative Services (OLS) concludes that nursing homes, rooming and boarding houses, residential health care facilities and emergency shelters operated by the Department of Military and Veterans' Affairs (DMAVA) and certain counties and municipalities may experience a marginal increase in costs to maintain temperatures

within the range of 65 through 81 degrees Fahrenheit, as required under this bill.

The OLS also finds that certain counties and municipalities, as well as the Departments of Health, Human Services, Community Affairs, Children and Families, and DMAVA may incur marginally higher costs to ensure 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 and municipalities incorporate temperature measures into the periodic facility inspections conducted pursuant to current statute or regulation, costs to the State and the affected counties and municipalities would be minimized.