The following has special meaning:
green underline denotes added text
~~red-struck-out text denotes deleted text~~

Powered by State Net

2020 NJ A 4547	**Author:** Vainieri Huttle **Version:** Enacted - Pamphlet Law **Version Date:** 09/16/2020

CHAPTER 90

An Act concerning nursing facilities and making an appropriation.

Be It Enacted by the Senate and General Assembly of the State of New Jersey:

1. a. Notwithstanding the provisions of any law or regulation to the contrary, and subject to any federal approvals as may be required, effective October 1, 2020 through June 30, 2021, the reimbursement rate for Class I, Class II, and Class III nursing facilities shall be equal to the rate received on September 30, 2020, plus a 10 percent adjustment. Each facility shall use no less than 60 percent of the rate adjustment provided under this section for the sole purpose of increasing wages or supplemental pay for certified nurse aides providing direct care. The remainder of the rate adjustment shall be used for other costs related to coronavirus disease 2019 preparedness and response, including enhancing infection control measures, cleaning, reconfiguration of the facility to support cohorting, procurement of personal protective equipment, testing, or other staff wages and needs.

b. To ensure compliance with the provisions of this section, any facility receiving the rate adjustment pursuant to this section shall provide:

(1) wage and cost data in a manner and form prescribed by the Commissioner of Human Services; and

(2) attestations from the facility owner of adherence to the following infection control protocols, which shall be submitted in a manner and form as shall be prescribed by the Commissioner of Health, and which may be required on an ongoing basis:

(a) the facility has an outbreak response plan in place as required pursuant to section 1 of P.L.2019, c.243 (C.26:2H-12.87), which plan shall be made available to the public through the facility's Internet website and include effective communication methods for conveying information concerning outbreaks of infectious diseases consistent with the requirements of paragraph (2) of subsection b. of section 1 of P.L.2019, c.243 (C.26:2H-12.87) and guidance issued by the Department of Health; provided that, facilities certified by the federal Centers for Medicare and Medicaid Services may effect notification in compliance with the provisions of subsection (g) of 42 CFR s.483.80;

(b) the facility has used the personal protective equipment burn rate calculator made available by the federal Centers for Disease Control and Prevention and:

(i) if the facility is not part of a system with eight or more facilities, the facility has at least a two-month supply of personal protective equipment on hand, in accordance with Executive Directive No. 20-026; or

(ii) if the facility is part of a system of eight or more facilities, the facility has at least a one-month supply of personal protective equipment on hand, in accordance with Executive Directive No. 20-026;

(c) the facility has registered with the Department of Health, authorized the department to access data, and is providing information in accordance with the requirements of Executive Directive No. 20-026; and

(d) the facility has implemented a respiratory protection program that complies with the respiratory protection standard for employees established by the federal Occupational Safety and Health Administration, including fit testing and training in donning and doffing personal protective equipment.

c. A facility receiving a rate adjustment pursuant to this section that has been cited by the Department of Health for two repeat infection control violations during the period from October 1, 2020 through June 30, 2021, including, but not limited to, citations for repeat violations of the staff and resident testing requirements outlined in Executive Directive No. 20-026, may be subject to recoupment of the rate adjustment by the State in an amount not to exceed the total value of the rate adjustment.

d. A facility that fails to meet any requirement of this section may be subject to recoupment of the adjustment by the State in an amount not to exceed the total value of the rate adjustment. Any attestation required under paragraph (2) of subsection b. of this section

that is filed after a deadline established by the Department of Health or June 30, 2021, whichever is earlier, shall be considered a failure to meet the requirements of this section.

e. The Commissioner of Health shall transmit to the Commissioner of Human Services information on any facility that may be subject to recoupment of the rate adjustment as provided in subsection c. or subsection d. of this section.

2. The Commissioner of Human Services shall apply for such State plan amendments or waivers as may be necessary to implement the provisions of this act and to secure federal financial participation for State Medicaid expenditures under the federal Medicaid program and shall receive approval for such State plan amendments or waivers prior to the implementation of this act.

3. There is appropriated from the General Fund to the Department of Human Services a one-time appropriation of $62.3 million for the purposes of effectuating the provisions of this act.

4. The provisions of this act shall be severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the decision of the court shall not affect the validity of the remaining provisions of this act.

5. This act shall take effect immediately.

Approved September 16, 2020.

Copyright © 2021 State Net