

# ASSEMBLY, No. 4479

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JULY 30, 2020

**Sponsored by:**

**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 and Assemblywoman Tucker**

**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: 8/24/2020)**

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  
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

38  
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.