

SENATE, No. 2432

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED MAY 7, 2020

Sponsored by:

Senator VIN GOPAL

District 11 (Monmouth)

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

Co-Sponsored by:

Senator Corrado

SYNOPSIS

Establishes “Long-Term Care Facility Infectious Disease Preparedness and Home Health Care Study Commission.”

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/7/2020)

1 **AN ACT** concerning nursing home emergency preparedness and
2 home health care.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. a. "Home health care" means nursing and other home health
8 care services rendered to a person in the person's place of
9 residence, under the following conditions:

10 (1) On a part-time and intermittent basis, except when full-time
11 or 24-hour services are needed on a short-term basis;

12 (2) If continuing hospitalization would otherwise have been
13 required if home health care were not provided; and

14 (3) Pursuant to a physician's order and under a plan of care
15 established by the responsible physician in collaboration with a
16 home health care provider, which plan shall be periodically
17 reviewed and approved by the physician. All care plans shall be
18 established within 14 days following the commencement of home
19 health care.

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

24 b. There is established a study commission to be known as the
25 "Long-Term Care Facility Infectious Disease Preparedness and
26 Home Health Care Study Commission." The purpose of the study
27 commission shall be to analyze the ability of long-term care
28 facilities to respond to an infectious disease outbreak and to
29 determine methods to encourage home health care in the State.
30 Specifically, the commission shall examine policies and procedures
31 established by long-term care facilities to respond to an infectious
32 disease outbreak and to curb the spread of the disease; analyze
33 whether long-term care facilities have a sufficient number of
34 employees to meet residents' needs in the event of an infectious
35 disease outbreak within the long-term care facility; make
36 recommendations as to how long-term care facilities may better
37 respond to an infectious disease outbreak; analyze methods to retain
38 home health aides within the State; and examine methods to
39 encourage home health care in the State.

40 c. The Long-Term Care Facilities Infectious Disease
41 Preparedness and Home Health Care Study Commission shall
42 consist of 15 members as follows: the Commissioner of Human
43 Services, or the commissioner's designee; the Commissioner of
44 Health, or the commissioner's designee; 13 members of the public
45 with significant operational, financial, or managerial expertise in
46 the home health care and long-term care facility industry, four of
47 whom shall be representatives of entities currently operating a long-

1 term care facility or home health care service in the State, to be
2 appointed as follows:

3 (1) two members to be appointed by the Speaker of the General
4 Assembly;

5 (2) two members to be appointed by the Minority Leader of the
6 Senate;

7 (3) two members to be appointed by the Governor;

8 (4) two members of the public with a family member residing in
9 a long-term care facility who shall be appointed by the Minority
10 Leader of the General Assembly;

11 (5) two members of the public with a family member who is
12 served by a home health care provider who shall to be appointed by
13 the President of the Senate; and

14 (6) three members of the public, with one public member
15 recommend by each of the following organizations: Leading Age
16 New Jersey, Health Care Association of New Jersey, and Homecare
17 and Hospice Association of New Jersey.

18 d. The study commission shall organize as soon as practicable
19 after the appointment of its members. Upon its organization, the
20 study commission shall select a chairperson from among its
21 members. The study commission may meet and holding meetings at
22 the times and places it may designate. A majority of the authorized
23 members shall constitute a quorum. Vacancies shall be filled in the
24 same manner as the original appointments were made. The
25 members shall serve without remuneration, but shall be eligible for
26 reimbursement for necessary and reasonable expenses incurred in
27 the performance of their duties on the commission, within the limits
28 of funds appropriated or otherwise made available to the study
29 commission for its purposes.

30 e. The study commission is entitled to receive assistance and
31 services from any State, county, or municipal department, board,
32 commission, or agency, as may be available to it for its purposes.

33 f. Not later than 12 months after the initial meeting of the
34 study commission, it shall prepare and submit a written report to the
35 Governor, and to the Legislature pursuant to section 2 of P.L.1991,
36 c.164 (C.52:14-19.1), presenting its analysis of long-term care
37 facility infectious disease preparedness and methods to encourage
38 home health care in the State. The study commission shall expire
39 on the first day of the third month next following submission of its
40 written report to the Governor and the Legislature, as required by
41 this subsection.

42

43 2. This act shall take effect immediately and shall expire upon
44 the submission of the report as required pursuant to subsection e. of
45 section 1.

STATEMENT

This bill establishes the “Long-Term Care Facility Infectious Disease Preparedness and Home Health Care Study Commission” (commission).

The purpose of the study commission is to analyze the ability of long-term care facilities to respond to an infectious disease outbreak and to determine methods to encourage home health care in the State. Specifically, the commission is to examine policies and procedures established by long-term care facilities to respond to an infectious disease outbreak and to curb the spread of the disease; analyze whether long-term care facilities have a sufficient number of employees to meet residents’ needs in the event of an infectious disease outbreak within the long-term care facility; make recommendations as to how long-term care facilities may better respond to an infectious disease outbreak; analyze methods to retain home health aides within the State; and examine methods to encourage home health care in the State.

Under the bill, "home health care" means nursing and other home health care services rendered to a person in the person’s place of residence, under the following conditions: (1) on a part-time and intermittent basis, except when full-time or 24-hour services are needed on a short-term basis; (2) if continuing hospitalization would otherwise have been required if home health care were not provided; and (3) pursuant to a physician's order and under a plan of care established by the responsible physician in collaboration with a home health care provider, which plan is to be periodically reviewed and approved by the physician. "Long-term care facility" means a veterans’ home or a nursing home, assisted living residence, comprehensive personal care home, residential health care facility, or dementia care home licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.).

The commission is to consist of 15 members as follows: the Commissioner of Human Services, or the commissioner’s designee; the Commissioner of Health, or the commissioner’s designee; and 13 members of the public with significant operational, financial, or managerial expertise in the home health care and long-term care facility industry, four of whom are to be representatives of entities currently operating a long-term care facility or home health care service in the State.

The bill provides that not later than 12 months after the initial meeting of the commission, it is to prepare and submit a written report to the Governor and Legislature presenting its analysis of long-term care facility infectious disease preparedness and methods to encourage home health care in the State. The commission is to expire on the first day of the third month following the submission of its written report to the Governor and Legislature.