

SENATE HEALTH, HUMAN SERVICES AND SENIOR CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 2788

with committee amendments

STATE OF NEW JERSEY

DATED: AUGUST 21, 2020

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Senate Bill No. 2788.

This bill establishes two programs that provide supplemental payments to long-term care facility staff providing direct care services during the COVID-19 pandemic. Under the bill, as amended, “direct care services” means services provided by an individual employed by or providing services at a long-term care facility who comes in contact with residents, direct care workers, or materials that have been exposed to residents or direct care workers during the course of work, including but not limited to such services as: personal care, assistance, or treatment provided directly to residents of the facility; housekeeping, dietary, laundry, and social work activities; and facility maintenance. Under the bill, both programs are subject to the availability of federal funds provided or made accessible to the State in response to the COVID-19 pandemic.

Specifically, the State Treasurer will be required to establish one program to make a one-time, lump-sum payment to any employee of a long-term care facility who, during the period commencing from March 9, 2020 through the effective date of the bill: (1) worked at least 10 consecutive or non-consecutive weeks during which the employee provided direct care services at a long-term care facility; (2) during each of those 10 weeks, provided at least 25 hours of direct care services at a long-term care facility, which 25 hours may have been provided in a single long-term care facility or in multiple long-term care facilities during that week; and (3) during each of those 10 weeks, earned an hourly wage of less than \$25 per hour or a salary that is equivalent to a wage of less than \$25 per hour.

The bill also directs the State Treasurer to establish a grant program for long-term care facilities to provide supplemental payments to certain staff who provide direct care services at the facility. A facility will be eligible for a grant award under this program if the facility provides supplemental pay to staff members who deliver at least 25 hours of direct care services per week and

who earn an hourly wage of less than \$25 per hour or a salary that is equivalent to a wage of less than \$25 per hour. As a condition of receipt of a grant award, a facility is required to submit a report to the State Treasurer, in a method and manner determined by the State Treasurer, documenting that the facility distributed 100 percent of the grant funds for such supplemental payments. A facility that fails to meet any requirement of this program is to be subject to recoupment of the grant funds by the State in any amount not to exceed the total amount of the grant award.

The State Treasurer will determine the amount of the payment to be made under each program based on the total amount of available funds and the anticipated number of applicants for a payment, and will establish a standardized online application process that includes a mechanism to verify applicant information and ensures that long-term care facility staff who provide direct care services participate in only one program established in this section.

The State Treasurer will have the authority to revise or issue a blanket waiver of any of the eligibility criteria for a payment or grant award under the bill, and may establish any additional qualification or eligibility criteria, provided such revision, waiver, or additional criterion is consistent with the goal of providing supplemental income to the broadest range of low-wage staff providing direct care services at long-term care facilities during the COVID-19 pandemic as possible. Subject to the availability of funds and any federal restrictions that apply to the use or distribution of available funds, the State Treasurer will have the discretion to expand the payment or grant program to include additional groups of individuals or professionals who provided health care services directly to patients during the COVID-19 pandemic.

In no case may a long-term care facility reduce the amount of the wage ordinarily paid to a staff member who receives a payment under the bill. A long-term care facility that violates this prohibition will be liable to a civil penalty of \$1,000 for each violation.

The Governor, the State Treasurer, the Commissioners of Health and Human Services, and the Director of the Division of Consumer Affairs in the Department of Law and Public Safety, will each be required to take appropriate steps to provide notice to long-term care facilities and facility staff who provide direct care services of the availability of funds being made under this bill, including providing a link through their respective Internet websites to the application materials to request a payment under the bill.

Nothing in the bill is to be construed to restrict the ability of the State Treasurer or any other entity of State, county, or local government to establish any other wage assistance program or to make additional or future payments to any group of individuals or professionals from funding available from any source, including, but not limited to, federal funds as may be available for this purpose.

COMMITTEE AMENDMENTS

The committee amended the bill to require the State Treasurer to establish a grant program for long-term care facilities to provide supplemental payments to certain staff who provide direct care services at the facility. This program is in addition to the program issuing supplemental payments directly to certain long-term care staff, as required under the bill as introduced.

A facility will be eligible for a grant award under this program if the facility provides supplemental pay to staff members who deliver at least 25 hours of direct care services per week and who earn an hourly wage of less than \$25 per hour or a salary that is equivalent to a wage of less than \$25 per hour. As a condition of receipt of a grant award, a facility is required to submit a report to the State Treasurer, in a method and manner determined by the State Treasurer, documenting that the facility distributed 100 percent of the grant funds for such supplemental payments. A facility that fails to meet any requirement of this program is to be subject to recoupment of the grant funds by the State in any amount not to exceed the total amount of the grant award. Under the amendments, the State Treasurer is to ensure that long-term care facility staff who provide direct care services participate in only one program established under the bill.

The committee amendments also expand the definition of direct care services to include not only those services provided directly to residents at a facility, such as personal care, assistance, and treatment, but also those services provided by an individual employed by or providing services at a long-term care facility who comes in contact with direct care workers or materials that have been exposed to residents or direct care workers during the course of work, such as housekeeping, dietary, laundry, and social work activities and facility maintenance. The committee amendments clarify references made to that term and make minor technical changes to correct a citational reference.