

Disability Rights New Jersey
Written Testimony to Legislative Committees by Bill
August 13, 2020

S-2758 (Cryan) / A-4482

Establishes minimum wage requirements for certain long-term care facility staff; establishes direct care loss ratio requirements for nursing homes.

Strongly support.

Disability Rights NJ strongly supports the establishment of a direct care loss ratio reporting and rebate requirement as we believe this will help to ensure that adequate funds go directly to support the care of individuals who reside in long-term care facilities.

We also support the testimony of the Arc of NJ as well as other advocates that careful consideration and equity must also apply to wages paid to community-based DSPs, PCAs, and other direct care staff.

S-2759 (Vitale) / A-4478

Establishes additional requirements for DOH to assess sanctions and impose penalties on long-term care facilities; revises reporting requirements for facilities.

Strongly Support, but with some concerns

Disability Rights NJ is concerned with the language in this bill at 1(a) that states a penalty or action shall include conducting a licensure survey of a long-term care facility at least once every two years for repeated noncompliance. This language is confusing and makes it seem that there would be no annual licensure survey. If the annual survey is no longer required, then there would be less oversight than is currently required. Disability Rights NJ would oppose any loosening of such oversight.

In addition, Disability Rights NJ strongly supports the enhanced sanctions, but believes there should be some review of the interplay between the Department of Health's ability to assess sanctions under state law, and its ability to assess civil monetary penalties under CMS regulations. Although state and federal law permit monetary penalties, monetary fines under federal law must go into a reinvestment fund.

S-2784 (Cryan) / A-4485

Dedicates personal protective equipment to long-term care facilities during public health emergency.

Strongly support.

S2785 (Gopal) / A-4007 - Requires DOH to implement and oversee Isolation Prevention Project in long-term care facilities during public emergencies.

Strongly support,

Disability Rights NJ wants to reiterate how important the ability to communicate with family and loved ones is for individuals with disabilities who reside in congregate settings such as long-term care facilities. During this health crisis, this was a significant issue for individuals with disabilities and their family members. Visitation is a human right, and although the health concerns are real, there must be plans in place to ensure some form of communication and access, including virtual visitation, must be maintained.

S-2786 (Weinberg) / A-4483 - Allows long-term care facility employees to accrue paid sick leave.

Strongly support.

S-2787 (Codey / Rice) / A-4481 - Establishes New Jersey Task Force on Long-Term Care Quality and Safety.

Strongly support

Disability Rights NJ strongly supports the creation of this task force, but as more fully discussed in our oral testimony, Disability Rights NJ believes that we should be included so that individuals with disabilities under the age of 60 who reside in long-term care facilities have a voice.

S-2788 (Ruiz) / A-4479 - Provides supplemental payments to long-term care facility staff providing direct care services during COVID-19 pandemic.

Strongly support.

S-2789 (Vitale) A-4477 - Revises licensure, operational, and reporting requirements for long-term care facilities.

Strongly support but with concerns

Disability Rights NJ strong supports this legislation but is concerned that the legislation appears to only be prospective. Disability Rights NJ believes that all facilities that have changed ownership or real estate sales/transfers have occurred need to be reviewed.

S-2790 (Cryan / Vitale)/ A-4476 - Establishes certain requirements concerning State's preparedness and response to infectious disease outbreaks, including coronavirus disease 2019 (COVID-19) pandemic.

Strongly support as discussed in our oral testimony

S-2791 (Singer)/A-4480 - Requires DHS to review various aspects of Medicaid managed care program.

Strongly support.

Disability Rights NJ strongly supports this legislation and recommends that the work that has been done among advocates, Medicaid, and managed care organizations regarding “Any Willing Qualified Provider” or AWQP be revisited.

S-2813 (Vitale) – Provides an additional \$62 million for LTC COVID recovery and preparedness

Strongly support

Disability Rights NJ strongly supports this provision but notes that as currently written, the legislation does not automatically require recoupment of this funding if a facility fails to protect the health and safety of its residents. This should be an automatic requirement.