

Governor Phil Murphy

Governor Murphy Signs Legislative Package to Strengthen the Resiliency and Preparedness of New Jersey's Long-Term Care Industry

09/16/2020

Legislative Package Enacts Key Recommendations from Manatt Health's Review

TRENTON — Acting on a commitment to reform and build a more resilient long-term care industry, Governor Phil Murphy today signed a legislative package to address systemic challenges, mitigate the impact of COVID-19, and strengthen preparedness for future outbreaks. The legislative package enacts several recommendations made in Manatt Health's rapid review of the state's long-term care facilities, including wage enhancements for frontline staff, improved response coordination, and robust data reporting procedures. The legislative package received bipartisan support.

"The residents and staff of our long-term care facilities have borne an outsized burden of this pandemic," said **Governor Phil Murphy**. "While we know this has not been a tragedy unique to New Jersey, we will learn from this crisis and emerge as a national model for solving immediate challenges and building future resilience. These measures not only support our ongoing efforts to get things right for our long-term care residents, staff, and families, but also ensure we have strong measures in place to deal with bad actors in the industry who put profit before people."

The Governor signed the following bills into law:

A4476/S2790 (Vainieri Huttle, Greenwald, DePhillips/Cryan, Vitale) - Establishes certain requirements concerning State's preparedness and response to infectious disease outbreaks, including the COVID-19 pandemic.

A4481/S2787 (Moen, Sumter, Quijano, Gove/Codey, Rice) - Establishes New Jersey Task Force on Long-Term Care Quality and Safety.

A4482/S2758 (Tucker, Giblin, Chaparro/Cryan, Lagana) - Establishes minimum wage requirements for certain long-term care facility staff; establishes direct care ratio requirements for nursing homes; requires nursing home care rate study.

A4547/S2813 (Vainieri Huttle, Benson, Johnson/Vitale) - Authorizes temporary rate adjustment for certain nursing facilities; appropriates \$62.3 million.

"This package of bills will improve the resiliency and quality of our long-term care facilities and strengthen their emergency preparedness," said **Health Commissioner Judith Persichilli**. "Most importantly, they provide the recognition the Certified Nursing Assistants deserve through wage increases and career ladder opportunities."

"We thank our partners in the Legislature for working together with us to advance our shared goal of supporting nursing home residents and the staff who work tirelessly to care for them," **Human Services Commissioner Carole Johnson** said. "Today's action will deliver new Medicaid funding of \$130 million – a 10 percent increase – over the remainder of the fiscal year to nursing homes to increase wages for the frontline certified nursing aide workforce and to support facilities' compliance with health and safety directives, including COVID-19-related infection control, PPE, cleaning, staffing, and other needs. These are critical steps as we work across the state to continue to fight the virus and prepare for any potential second surge this fall."

"Long-term care centers were woefully underprepared and under-resourced to respond to a global pandemic. Many nursing and veterans homes in New Jersey have been cited for inadequate infection control policies, and few had consistent direct communication with hospitals and health departments before the pandemic. The system as a whole needs to be reformed," said **Assemblywoman Valerie Vainieri Huttle, Chair of the Assembly Aging and Senior Services Committee**. "It is also critically important that we support the certified nurse aides in long-term care centers who are on the COVID-19 front lines day in and day out. They dedicate their lives to caring for our most vulnerable, and now they put their health at risk every day they're on the job. If there's ever a time to enhance wages for our severely underpaid and overworked nurse aides, it's now."

"COVID-19 has taken an immense toll on our long-term care community. This legislation is a combination of Manatt Health's recommendations and the Senate Health Committee's extensive discussions with stakeholders and concerned residents," said **Senator Joseph Vitale, Chair of the Senate Health, Human Services and Senior Citizens Committee**. "Long-term care facilities service some of our state's most vulnerable communities. At the onset of this pandemic our mothers, fathers and grandparents faced a compromised, exposed and impossible situation. These laws will help ensure that New Jersey does not ever let that happen again."

"Over the past six months, nursing home workers across New Jersey have heroically risen to the challenges of COVID-19 and put their lives on the line to protect their vulnerable patients," said **Milly Silva, Executive Vice President of 1999SEIU United Healthcare Workers East**. "Critically, this legislative package recognizes the essential nature of their work and the need for our state to have a stable, healthy and growing caregiver workforce. We applaud Gov. Murphy and our legislative leadership for taking these important steps to reform the nursing home industry."

"We applaud Governor Murphy and the NJ Legislature for passing this long-term care reform package, which makes significant and necessary improvements to protect residents and staff at New Jersey nursing homes and other long-term care facilities," said **Stephanie Hunsinger, AARP New Jersey State Director**. "It is a tragedy that more than 7,100 residents and staff in New Jersey's long-term care facilities have died due to COVID-19, and we must ensure this never happens again. These bills implement critical measures to save lives."

"These bills are an important part of refocusing our priorities and, as a society, valuing the care delivered to New Jersey residents as they age," said **NJHA President and CEO Cathy Bennett**. "That requires good policy, sufficient resources and the engagement of all stakeholders including the frail elderly, their loved ones, and the healthcare workers and long term care facilities who help care for them."

A-4476

“The COVID-19 pandemic did not create the problems in long-term care; it merely exacerbated them,” said **Assembly Majority Leader Lou Greenwald**. “Without adequate staffing, emergency response plans or central channels of communication with health officials, long-term care facilities were unequipped to keep residents and staff safe in the early critical days of the pandemic. Though no one could have predicted the toll COVID-19 would take, long-term care centers could have been more prepared. Going forward, a centralized command center devoted to long-term care will help us make sure these facilities have the resources they need to prepare for and respond to emergencies.”

“This necessary bipartisan legislation acts upon the lessons learned from the Covid-19 response, said **Assemblyman Chris DePhillips**. “In particular, the new Long Term Care Emergency Operations Center will provide greater preparation and coordination across the state in the event of a future outbreak. Moreover, the legislation will ensure that long-term care facilities are more closely tied to the system of care in the state and have emergency plans in place to respond to a public health emergency.”

“The fatal consequences of the COVID pandemic fell the hardest on nursing homes, veterans’ homes and other long term care facilities that are home to our most vulnerable population of residents,” said **Senator Joe Cryan**. “It is tragically obvious that there was an absence of safeguards to prevent and respond to the outbreak. We need to use the hard lessons of this experience to help prevent anything like this from happening again. This includes preventive safeguards, action plans to contain any outbreaks and better pay for the frontline workers who care for the residents.”

A-4481

In a joint statement, Assemblymembers Bill Moen, Shavonda Sumter, and Annette Quijano said:

“The COVID-19 pandemic has exposed longstanding problems in our long-term care system. Not only do we need to address staffing shortages, quality of care concerns and emergency preparedness, but we will need to assess how we can modernize an outdated system to best fit the needs of our most vulnerable residents. The work of this task force will help us reform long-term care in New Jersey, including the expansion of home and community-based services, enhancing the use of telemedicine and optimizing resident wellness and infection control.”

“Without question, our state has an obligation to ensure that those living in long-term care facilities are provided with the highest level of care to maintain their quality-of-life, while also allowing for family members to play an active role in their lives,” said **Assemblywoman Dianne Gove**. “To that end, I’ve supported the establishment of a Task Force on Long-Term Care Quality and Safety so that New Jersey, moving forward, can and will develop and implement more effective policies that benefit our most vulnerable citizens.”

“COVID-19 devastated our long-term care community and it pains me to hear about how helpless the residents and staff members were at the height of this pandemic,” said **Senator Richard Codey**. “Establishing the New Jersey Task Force on Long-Term Care Quality and Safety would allow us to develop and implement improvements across the board. Our most vulnerable residents and their caretakers deserve better and this legislation would make sure improvements are realized.”

“COVID-19 swept through our long-term care facilities with such devastating speed, nobody knew what to do or how to handle the situation,” said **Senator Ronald C. Rice**. “The task force will ensure we develop strict procedures and workplace safety to make sure we are adequately prepared the next time an event like this comes around.”

A-4482

“Nurses in long-term care facilities help residents bathe, dress, eat, use the restroom, and manage their medical care. Though they deliver vital care to our most vulnerable, they are often underpaid and overworked,” said **Assemblywoman Cleopatra Tucker**. “Now amid a global pandemic, they are putting their own health on the line every day. They deserve to be better compensated for their essential work.”

“There are often staffing shortages and retention issues in long-term care facilities, in part because staff are poorly paid and may need to work multiple jobs to make ends meet,” said **Assemblyman Tom Giblin**. “Providing pay increases will undoubtedly attract quality workers to the profession and help facilities retain their staff, which in turn will ensure residents are better cared for.”

“Direct care staff are the unsung heroes of healthcare. Like all frontline workers, they have gone the extra mile to respond to COVID-19,” said **Assemblywoman Annette Chaparro**. “They dedicate their lives to helping our elderly or disabled loved ones live with dignity. It’s time we paid them a dignified wage in return.”

A-4547

“Nursing homes are not only battling a public health emergency; many are also facing a fiscal emergency,” said **Assemblyman Dan Benson**. “Without the resources to adequately pay nursing staff or enforce infection control measures, it will become even more difficult to retain nurses and keep residents and staff safe. By increasing Medicaid reimbursements, we can provide financial relief to nursing homes so that they may improve their COVID-19 response and better care for residents.”

“As we look to a potential second wave of COVID-19 in the fall, we must make sure long-term care facilities have the resources needed to mitigate the spread of the virus,” said **Assemblyman Gordon Johnson**. “This includes, perhaps most importantly, the heroic CNAs who care for elderly and disabled residents in long-term care facilities and often work multiple shifts at several facilities to make ends meet. Increased wages will mean current CNAs won’t have to stretch themselves thin financially, as well as help to attract new staff hires, which in turn will improve quality of care for residents.”

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