
S1878 (Sacco): Maintains property tax exemptions for certain nonprofit hospitals and their nursing homes; requires these hospitals to pay community service contributions to host municipalities; establishes Nonprofit Hospital Community Service Contributions Study Commission.

Approved Position: Monitor

Bill Details: This bill maintains the property tax exempt status of a nonprofit hospital with for-profit medical providers on site as long as the hospital remains organized as a nonprofit institution under State law, and requires these nonprofit hospitals to pay an annual community service contribution to their host municipalities. The clarified property tax exemption under the bill extends to the portions of hospital property used for medical purposes, and the community service contributions are required to be used to offset the costs of public safety services, such as police and fire safety services, or to reduce the property tax levy. Any voluntary payments made by a nonprofit hospital for the same purpose of offsetting public safety costs will count towards the obligation to provide a community service contribution.

Bill History:

- 3/10/2016: Introduced in the Senate, Referred to Senate Health, Human Services and Senior Citizens Committee.

Notes:

- Last week, Governor Chris Christie announced an agreement on the hospital tax exemption issue. A Property Tax Exemption Study Commission will be created and there will be a two-year freeze immediately on property tax rates for previously exempt non-profit hospitals. The Commission will eliminate the need to impose a new tax on hospitals and other non-profits because their exemptions will be preserved until January 1, 2018. The Commission will have nine members that will give a comprehensive review of the state's property exemption statute.

S799 (Weinberg/Sweeney): Concerns earned sick leave.

Approved Position: Oppose

Senate Version: The governing body of a county or municipality shall not, after the effective date of this act, adopt any ordinance, resolution, law, rule, or regulation regarding earned sick leave. The provisions of this act shall preempt any ordinance, resolution, law, rule, or regulation regarding earned sick leave unless adopted by the governing body of a county or municipality prior to the effective date of this act.

Assembly Version: There is no Assembly version yet. Last Session, there was explicit language about the fact that the bill would not preempt any local action.

Bill History:

- 1/12/2016: Introduced in the Senate, Referred to Senate Budget and Appropriations Committee
- 3/7/2016: Reported from Senate Committee with Amendments, 2nd Reading
- 3/14/2016: Senate Amendment (22-0) (Weinberg)

S841 (Pou) / A2269 (Vainieri Huttler): Requires nursing homes to provide training to staff in behavioral health issues.

Bill Details: This bill requires the Commissioner of Health, in consultation with the Commissioner of Human Services, to establish a training program for nursing home staff (certified nurse aides, licensed practical nurses, registered professional nurses, and other health care professionals who provide direct care to nursing home residents) in the care of residents who have behavioral health issues.

The training program would include, but not be limited to: sensitivity to behavioral health issues among residents of nursing homes; information about depression and other psychiatric disorders, as appropriate; and the use of medication to treat those disorders. The bill requires nursing homes to provide the training annually.

Bill History:

- S841:
 - 1/12/2016: Introduced in the Senate, Referred to Senate Health, Human Services and Senior Citizens Committee
- A2269:
 - 2/4/2016: Introduced, Referred to Assembly Human Services Committee

Notes:

- Duplicative because CMS has proposed to require this via regulation.

S157 (Madden) / A1120 (Oliver): Establishes "New Jersey Task Force on Abuse of Persons who are Elderly or Disabled."

Approved Position: Support

Bill Details: The New Jersey Task Force on Abuse of Persons who are Elderly or Disabled will be created. The task force will: (1) evaluate current policies that are designed to protect older adults and persons with disabilities from instances of abuse, neglect, and financial exploitation; (2) identify any existing circumstances that allow for the inadequate protection of older adults and persons with disabilities against instances of abuse, neglect, and financial exploitation; and (3) develop recommendations for legislation, policies, and strategies that would provide a more effective and efficient means by which to protect older adults and persons with disabilities from instances of abuse, neglect, and financial exploitation.

The task force will consist of 11 members as follows: the Commissioners of Health and Human Services, the Ombudsman for the Institutionalized Elderly, and the President of the New Jersey State Municipal Prosecutors' Association, or their designees, who shall serve ex officio; the State Director of the AARP; a representative from Adult Protective Services in the Division of Aging Services in the Department of Human Services; and five public members having relevant knowledge of, or experience in, matters related to the abuse, neglect, or financial exploitation of older adults or persons with disabilities.

Bill History:

- S157:
 - 1/12/2016: Introduced in the Senate, Referred to Senate Health, Human Services and Senior Citizens Committee
 - 2/29/2016: Reported from Senate Committee with Amendments, 2nd Reading
 - 3/14/2016: Passed by the Senate (40-0)

- 3/14/2016: Received in the Assembly, Referred to Assembly Appropriations Committee
- A1220:
 - 1/27/2016: Introduced, Referred to Assembly Human Services Committee
 - 2/8/2016: Reported and Referred to Assembly Appropriations Committee

S843 (Pou) / A152 (Tucker): Increases personal needs allowance to at least \$50 for low-income persons residing in certain facilities.

Approved Position: Monitor

Bill Details: The bill increases to a minimum of \$50 the monthly personal needs allowance (PNA) which may be provided to persons who reside in nursing facilities, State or county psychiatric hospitals, and State developmental centers and who are eligible for Medicaid or Supplemental Security Income (SSI) benefits. The PNA is used for purchasing personal items such as clothing, grooming aids, newspapers, and other items that are not regularly provided by the facility in which the person resides.

The bill also provides for annual adjustment to be made to these amounts based on the federal cost-of-living increase. This has been the practice for persons who reside in rooming or boarding houses and residential health care facilities.

In the case of persons who receive SSI public assistance, the bill further provides that the Commissioner of Human Services is to administer the increase provided for in the bill if the federal government, which provides the \$30 basic monthly allowance, cannot administer the increase. Current law provides that the commissioner is to ensure that the increase is not counted as income for the SSI recipient and thereby deducted from the person's federal payment.

Bill History:

- S843:
 - 1/12/2016: Introduced in the Senate, Referred to Senate Health, Human Services and Senior Citizens Committee
 - 3/7/2016: Reported from Senate Committee, 2nd Reading
 - 3/7/2016: Referred to Senate Budget and Appropriations Committee
- A152:
 - 1/27/2016: Introduced, Referred to Assembly Human Services Committee
 - 3/3/2016: Transferred to Assembly Appropriations Committee
 - 3/7/2016: Reported out of Assembly Committee, 2nd Reading
 - 3/14/2016: Passed by the Assembly (57-17-1)

Notes:

- There is no fiscal note on this legislation.

S1823 (Beck): Creates crime of fiscal victimization against senior citizens or disabled persons.

Approved Position: Support

Bill Details: Under the provisions of the bill a person would be guilty of fiscal victimization if he commits, attempts to commit, conspires with another to commit or threatens to commit a theft offense specified in chapter 20 of Title 2C of the New Jersey Statutes or a violation of N.J.S.2C:21-17, identity theft, against a senior citizen or a person with a disability. Fiscal victimization is a crime of the fourth degree if the underlying offense is a disorderly persons offense or petty disorderly persons offense. Otherwise, fiscal victimization is a crime one degree higher than the most serious underlying crime, except if the underlying crime is a crime of the first degree. Under those circumstances, fiscal victimization would be a first degree crime and upon conviction the defendant could be sentenced to an ordinary term of imprisonment between 10 years and 30 years, with a presumptive term of 20 years, notwithstanding the provisions of N.J.S.A.2C:43-6.

The bill also provides a conviction of fiscal victimization would not merge with a conviction of any of the underlying offenses, nor would any conviction for the underlying offense merge with a conviction for fiscal victimization. Therefore, the court would be authorized to impose separate sentences upon a conviction for fiscal victimization and a conviction of any underlying offense.

In addition, the bill provides that if the victim of the underlying offense is a senior citizen or a person with a disability, the actor would be strictly liable for the victimization offense. It would not be a defense that the actor did not know that the victim was a senior citizen or a person with a disability, nor would it be defense that the actor believed that the victim was not a senior citizen or a person with a disability, even if the mistaken belief was reasonable.

The bill defines a "senior citizen" as a person 60 years of age or older. "Person with a disability" is defined as a person who by reason of a pre-existing medically determinable physical or mental impairment is substantially incapable of exercising normal physical or mental power of resistance, and includes, but is not limited to, a person determined disabled pursuant to the federal Social Security Act or any other governmental retirement or benefits program that uses substantially the same criteria for determining eligibility.

Bill History:

- 3/7/2016: Introduced in the Senate, Referred to Senate Law and Public Safety Committee
- There is no Assembly version.

Notes:

- The bill is silent on who can bring forward the complaint. However, it appears that anyone can bring the complaint to the attention of a prosecutor who would then have the discretion to pursue.

For Discussion (Monitor):

- S387 (Barnes) / A1515 (McKeon): Limits forum of consumer contract disputes to New Jersey.
 - The Senate version has not moved. A1515 was released from the Assembly Consumer Affairs Committee on 2/4/16.
 - This bill prohibits terms and conditions in a consumer contract that require the dispute be resolved in a venue, forum, or jurisdiction outside of the State of New Jersey.
 - This bill will assure that consumers are not forced by businesses to resolve their disputes in distant and costly forums. Consumer contracts increasingly contain

forum-selection clauses that require litigation or arbitration to take place outside of New Jersey, making dispute resolution costly and difficult for consumers. These contracts are typically standardized forms drafted with no input from the consumer, and are offered on a take-it-or-leave-it basis. The consumer is often the less sophisticated party, who is agreeing to the contract without the benefit of an attorney, and may not be able to afford to travel to resolve a dispute.

- S1925 (Beach) / A2150 (Diegnan): Establishes certain consumer protections related to arbitration organizations.
 - The Senate version has not moved. A2150 was released from the Assembly Consumer Affairs Committee on 2/4/16.
 - This bill prohibits a neutral arbitrator or arbitration organization from administering any consumer arbitration that requires a non-prevailing consumer who is a party to the arbitration to pay the opposing party's costs or fees. The bill requires an arbitration organization to waive the fees and costs of arbitration, exclusive of arbitrator fees, for an indigent consumer. The bill also requires an arbitration organization to provide written notice to any consumer of the right to obtain a fee waiver and to keep specified information concerning a consumer confidential.
 - This bill prohibits an arbitration organization from administering consumer arbitration, or providing any other services related to consumer arbitration, if the company has, or within the preceding year has had, a financial interest in any party or attorney for a party. The bill imposes similar limitations on the provision of services by private arbitration companies based on the financial interests of any party or attorney for a party in the arbitration organization.
- Assemblyman Schaer bill on nursing home pay for performance.