

CHAPTER 457

AN ACT concerning nursing homes and supplementing Title 26 of the Revised Statutes.

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

C.26:2H-46.1 Increase in penalties for deficiencies outlined in federal Centers for Medicare and Medicaid Services guidance.

1. A nursing home, as defined under section 1 of P.L.1975, c.397 (C.26:2H-29), cited for the same or a substantially similar F-level deficiency or higher, as outlined in federal Centers for Medicare and Medicaid Services guidance, at any point over a three-year period during any standard or special survey conducted pursuant to 42 U.S.C. s.488.308 or any other inspection conducted by the Department of Health, or any third-party contractor or instrumentality thereof, pursuant to State or federal law or regulation, including in response to a complaint, shall be subject to a penalty that shall be more severe than the penalty imposed for the previous violation. The department may impose additional penalties, sanctions, or corrective measures pursuant to regulation when such deficiencies or violations involve noncompliance with infection control requirements or result in severe adverse health consequences for a resident or staff member of the nursing home. This section shall not be construed to diminish any authority of the Department of Health or any other department that exists pursuant to any other law, rule, or regulation.

C.26:2H-46.2 Enforcement of department rules, requirements; request, consolidate data regarding nursing homes reported to other State, federal authorities.

2. To facilitate enforcement of department rules and requirements concerning nursing home operations, the department shall request and consolidate data concerning nursing homes reported to other State and federal authorities, including the federal Centers for Medicare and Medicaid Services, the Department of Human Services, Medicaid managed care organizations, and the Long-Term Care Ombudsman, in order to identify nursing homes with consistent or repeated performance issues, ongoing compliance issues, or high numbers of substantiated complaints. The department shall make the consolidated data collected under this subsection available upon request to other State and federal entities having jurisdiction over nursing homes in the State.

C.26:2H-46.3 Review of reporting requirements; standardization, consolidation of reporting requirements.

3. a. The department shall undertake a review of reporting requirements for nursing homes and shall take steps to standardize and consolidate the reporting requirements for the purpose of: reducing the administrative demand on nursing homes in complying with reporting requirements; developing updated standardized data reporting requirements; and improving the utility of the reported data and the ability to share the data across systems, including, as appropriate, systems maintained by other State departments and agencies, county and local agencies, and federal authorities. The department's review shall include:

- (1) identifying and eliminating duplicative reporting;
- (2) establishing standardized formats, requirements, protocols, and systems for data reporting, which may include requiring nursing homes to report data in machine-readable formats to facilitate the processing and analysis of reported data;
- (3) establishing a centralized, cross-agency workgroup to monitor nursing home reporting;
- (4) assessing State health information technology needs to support technology-enabled and data-driven regulatory oversight across State departments and agencies, anticipate potential

uses for the enhanced technologies and systems, enable systems to readily accept and analyze additional data metrics required pursuant to subsection b. of this section, and identify opportunities to centralize and modernize State health data infrastructure, processes, and analytic capabilities;

(5) assessing nursing home health information technology needs to support population health management, interoperability, and modernized reporting requirements; and

(6) identifying and applying for federal funding to support health information technology infrastructure development.

b. (1) The department shall require all nursing homes to post on their Internet websites annual owner-certified financial statements along with the nursing home's most recent cost reports submitted to the federal Centers for Medicare and Medicaid Services. The department shall include on its Internet website a link to the page where each nursing home's certified financial statements and cost reports are posted. Nursing homes that are part of a health care system may post financial statements and cost reports pursuant to this paragraph that aggregate the financial data across all nursing homes that are a part of that health care system. A nonprofit nursing home that posts a copy of its most recent Internal Revenue Service Form 990 on its Internet website shall be deemed to have met the requirement for the nursing home to post an owner-certified financial statement on its Internet website pursuant to this paragraph, and the nursing home's posted Internal Revenue Service Form 990 shall be considered an owner-certified financial statement for the purposes of this paragraph and subparagraph (d) of paragraph (1) of subsection f. of this section.

(2) The department shall require all nursing homes to:

(a) participate in the National Health Care Safety Network's Long-term Care Facility Component;

(b) complete the network's long-term care facility annual facility survey; and

(c) participate in the network's long-term care facility monthly reporting plan, including:

(i) the healthcare-associated infection reporting modules for urinary tract infections, the laboratory-identified event module for *Clostridium difficile* (C.diff) infection and multidrug-resistant organisms, and prevention measures; and

(ii) the monthly reporting plan for prevention process measures, including hand hygiene, gloves, and gown adherence.

c. The department may develop additional data reporting requirements for nursing homes as are necessary to improve transparency and facilitate the department's ability to oversee and regulate operations in nursing homes, including, but not limited to, data related to occupancy, operating expenses and other appropriate financial metrics, and utilization and staffing data. In developing additional reporting requirements pursuant to this subsection, the department shall solicit feedback from nursing homes, advocacy groups for nursing home residents and their families, the New Jersey Long-Term Care Ombudsman, and Medicaid managed care organizations concerning proposed new data metrics, methods of maximizing the efficiency of data collection and specification, minimizing duplicative data reporting, and identifying ways to consolidate, automate, or streamline the data required to be reported by State and federal agencies and managed care organizations.

d. The department shall establish centralized State protocols for nursing home communications to reduce duplicative outreach and enhance information sharing capabilities.

e. The department shall require nursing homes to:

(1) post on their Internet websites a link to the dashboard developed and maintained by the department pursuant to paragraph (1) of subsection f. of this section; and

(2) designate a staff person who shall be responsible for responding to questions from the public concerning the nursing home, including questions about the nursing home's policies, procedures, and operations. The contact information for members of the public to direct questions and request information shall be posted on the nursing home's Internet website.

f. (1) The department shall develop, make available on its Internet website, and update at least quarterly, a data dashboard that provides a separate page or listing for each nursing home licensed in the State with links to the sites where information and data relevant to the nursing home may be found, as well as a description of the data and information that is accessible through each link. The data dashboard shall be searchable by nursing home. The data and information links available through the dashboard shall include, at a minimum, for each nursing home:

(a) the nursing home's star rating issued by the federal Centers for Medicare and Medicaid Services;

(b) the total number of complaints involving the nursing home, the number and nature of substantiated complaints involving the nursing home, the number of open investigations of complaints involving the nursing home, and the total number of outstanding complaints involving the nursing home that have not been investigated or resolved;

(c) the dates and results of inspections and surveys of the nursing home by the Department of Health, the Department of Human Services, and the federal Centers for Medicare and Medicaid Services, including links to any deficiencies or violations for which the nursing home was cited and to any corrective action plans in place at the nursing home;

(d) a link to the website where each nursing home's certified financial statements and the nursing home's cost reports submitted to the federal Centers for Medicare and Medicaid Services are posted;

(e) general staffing levels at the nursing home and, to the extent feasible, rates of compliance with mandatory staffing ratios;

(f) the frequency with which antipsychotic medication was administered to residents of the nursing home;

(g) the number of residents who developed a pressure ulcer, including the number of residents who developed multiple pressure ulcers;

(h) the number of each type of facility-acquired infection at the nursing home as reported to the National Health Care Safety Network's Long-term Care Facility Component pursuant to paragraph (2) of subsection b. of this section; and

(i) such other data as the department determines appropriate to allow the public to make informed choices when evaluating and selecting a nursing home.

(2) The department shall prepare and publish on its Internet website annual reports on New Jersey's nursing home system of care.

(3) For the purposes of making available to the public the data described in subparagraph (h) of paragraph (1) of this subsection, the department shall: request from the National Healthcare Safety Network, on a quarterly basis, data concerning the number of infections reported to the network by New Jersey nursing homes pursuant to paragraph (2) of subsection b. of this section; make the data available on the department's Internet website; and update the data at least quarterly using the most current data obtained from the National Healthcare Safety Network. The data shall provide details concerning the number of reported infections, by infection type, for each nursing home licensed in the State. The department shall additionally provide on its Internet website data concerning the Statewide and national averages for each type of reported infection in nursing homes.

C.26:2H-46.4 Regulations adopted; authorization.

4. The department may adopt any regulations necessary to effectuate the purposes of this act on an expedited basis, which regulations shall be effective immediately upon filing with the Office of Administrative Law for a period not to exceed 18 months, and may, thereafter, be amended, adopted or readopted in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

5. This act shall take effect on the first day of the 10th month after the date of enactment, except that section 4 of this act shall take effect immediately.

Approved January 18, 2022.