

Testimony for the Joint Meeting of the Senate Health, Human Services and
Senior Citizens Committee and the Assembly Aging and Senior Services
Committee

Submitted by

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Chairman Vitale, Vice Chair Madden, Chairwoman Huttler, Vice Chair Speight and esteemed members of both committees, thank you for affording me the opportunity to testify here today.

Overall, I very strongly support this legislative package and I commend all of the legislators and legislative staff who have worked so tirelessly over the past few weeks to craft it.

I am very pleased to see that these bills reflect nearly all of the recommendations contained in the Manatt report as well as input that my Office and other advocates provided prior to and during the COVID-19 emergency.

In its totality, I believe these bills will move New Jersey toward a more resilient long-term care system that can navigate future crises with much less tragic results. In addition, they are a blueprint for meaningful and lasting reform of the state's long-term system overall.

With that said, I do wish to address some issues of concern:

The first and most crucial is nursing home direct care staffing levels. We know that prior to and during the crisis, staffing was one of the primary drivers of quality of resident care and facility preparedness. Recent studies, including one published just this week by Harvard researchers, have found strong connections between staffing levels and rates of COVID infection

and deaths in nursing homes throughout the country and specifically in NJ. Adequate staffing levels are the linchpin to ensuring that the bold actions we are discussing here today are successful, and that they result in better care and better quality of life for residents of long-term care facilities.

I am also concerned that the bills do not require a dedicated staff person to manage communication between residents, families, and other important contacts, as the Manatt report recommends. The social isolation bill S-2785/A-4007 does require virtual visitation capability, but includes no requirement for a full-time staff member to facilitate this. Communication was the first thing to fall away during the crisis, largely because the nursing homes did not have staff dedicated and prepared to handle it. I believe that without such a requirement, communication – virtual or not – is likely to fall away in a future emergency.

I recall that Assemblywoman McKnight introduced a bill earlier this year that would require a long-term care Patient Advocate. I believe there is good synergy between these two bills that should be explored.

In addition, while I strongly support the creation of a task force to address long-term care quality and safety, it is imperative that the task force include meaningful representation of consumers, advocates, and workers. As currently written, the task force bill S-2787/A-4481 reserves six (6) of the eighteen (18) public seats for the long-term care industry, with only 1 seat for a long-term care resident and 1 for a resident family member. In light of the tragedy that just unfolded, the state needs to hear more from the people most directly impacted – residents, families, and frontline workers.

I strongly support bills S-2813/A-4547 which memorialize Commissioner Johnson's commitment for an additional \$62 million for nursing homes. But I do want to emphasize that any increase in funds for long-term care facilities must be tied to strong quality measures and that those funds will be recouped if those measures are not met. In addition to being granted legal immunity, which I would advocate be rescinded, the nursing home

industry has received a lot of money to mitigate this crisis and to prepare for a potential second COVID wave. They must be held strictly accountable for how those funds are spent.

Finally, I think that the legislature may want to give some consideration to further bolstering the oversight of long-term care facilities by instituting monthly quality improvement visits. The NJ DOH already conducts annual survey and inspections and also responds to complaints that they receive. But we know that long-term care facilities clean up and staff up when they know that their annual inspection is due. A monthly monitoring visit, in my opinion, would go a long way to ensuring that the reforms and the huge outlay of public funds that are being proposed, actually achieve sustainable results.

I want to commend the members of this committee, members of the legislature and the staff from the NJ Department of Health and Department of Human Services for their tireless work on these issues. With this package of legislation, and other forward-thinking actions that have been taken by the Governor, I truly believe that NJ is laying the groundwork to be a national leader in LTC.

Thank you again.