ASSEMBLY, No. 3585

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED MARCH 14, 2022

Sponsored by:
Assemblywoman PAMELA R. LAMPITT
District 6 (Burlington and Camden)
Assemblyman ANTHONY S. VERRELLI
District 15 (Hunterdon and Mercer)
Assemblywoman ANGELA V. MCKNIGHT
District 31 (Hudson)

SYNOPSIS
Establishes program for certain individuals to become certified nursing assistants and provide private duty nursing services to certain Medicaid enrollees under increased reimbursement rates.

CURRENT VERSION OF TEXT
As introduced.
AN ACT concerning certified nursing assistants and home care
services and supplementing P.L.1968, c.413 (C.30:4D-1 et seq.).

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

1. a. No later than six months after the effective date of this
act, the Division of Medical Assistance and Health Services in the
Department of Human Services shall establish a program under
which a family member of an enrollee in Medicaid or NJ
FamilyCare, or a third-party individual approved by the parent or
guardian of an enrollee in Medicaid or NJ FamilyCare, may be
certified as certified nursing assistant and, under the direction of a
registered nurse, provide certified nursing assistant services to the
enrollee through a private duty nursing agency under the
reimbursement rates established pursuant to subsection d. of this
section, provided that the enrollee is under 21 years of age and
qualifies for private duty nursing services under Medicaid or NJ
FamilyCare. The division shall develop an assessment tool that will
allow the division to readily identify enrollees who meet these
eligibility criteria.

b. The program established pursuant to this section shall
require the family member or approved third-party individual to
complete all the training, testing, and other qualification criteria as
are required under State and federal law for certification as a
certified nursing assistant. The private duty nursing services
agency that will employ the family member or approved third-party
individual to provide private duty nursing services to the enrollee
shall pay all costs for the family member or approved third-party
individual to become certified as a certified nursing assistant. In no
case shall a family member or approved third-party individual who
becomes a certified nursing assistant under the provisions of this
section be required to repay or reimburse the private duty nursing
services agency for the costs of the family member or approved
third-party individual becoming certified as a certified nursing
assistant under the program.

c. The tasks delegated by a registered nurse to a family
member who becomes certified as a certified nursing assistant
pursuant to this section shall be consistent with the tasks that may
be generally delegated to certified nursing assistants pursuant to the
rules of the New Jersey Board of Nursing.

d. Certified nursing assistant services provided by a family
member of a Medicaid or NJ FamilyCare enrollee or an approved
third-party individual who becomes certified as a certified nursing
assistant under the program established pursuant to this section
shall be reimbursed at a rate of no less than $30 per hour for such
time as the enrollee is under 21 years of age.
2. The Assistant Commissioner of the Division of Medical Assistance and Health Services in the Department of Human Services shall adopt rules and regulations, pursuant to the “Administrative Procedure Act,” P.L. 1968, c. 410 (C. 52:14B-1 et seq.), as are necessary to implement the provisions of this act.

3. The Commissioner of Human Services shall apply for such State plan amendments or waivers as may be necessary to implement the provisions of this act and to secure federal financial participation for State Medicaid expenditures under the federal Medicaid program.

4. This act shall take effect immediately.

STATEMENT

This bill requires the Division of Medical Assistance and Health Services (DMAHS) in the Department of Human Services (DHS) to establish a program under which a family member of an enrollee in Medicaid or NJ FamilyCare or a third-party individual approved by the enrollee’s parent or guardian may be certified as certified nursing assistant (CNA) and, under the direction of a registered nurse, provide CNA services to the enrollee through a private duty nursing agency, which services will be subject to an enhanced reimbursement rate. The program established under the bill will apply to enrollees who are under 21 years of age and qualify for private duty nursing services under Medicaid or NJ FamilyCare. The DMAHS will be required to develop an assessment tool that will allow the DMAHS to readily identify enrollees who meet these eligibility criteria.

Under the program, the family member or approved third-party individual will be required to complete all the training, testing, and other qualification criteria as are required under State and federal law for certification as a CNA. The private duty nursing services agency that will employ the family member or approved third-party individual will be required to pay all costs for the family member or approved third-party individual to become certified as a CNA. In no case will the family member or approved third-party individual be required to repay or reimburse the agency for the costs of becoming a CNA.

The tasks delegated by a registered nurse to a family member or approved third-party individual who becomes certified as a certified nursing assistant under the bill are to be consistent with the tasks that may be generally delegated to certified nursing assistants pursuant to the rules of the New Jersey Board of Nursing.

The DMAHS will be required to establish the program within six months after the effective date of the bill. The DHS will be
required to apply for State plan amendments and waivers as are necessary to implement the provisions of the bill and to secure federal financial participation for State Medicaid expenditures under the federal Medicaid program.