

[Second Reprint]

## **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)**

**Co-Sponsored by:**

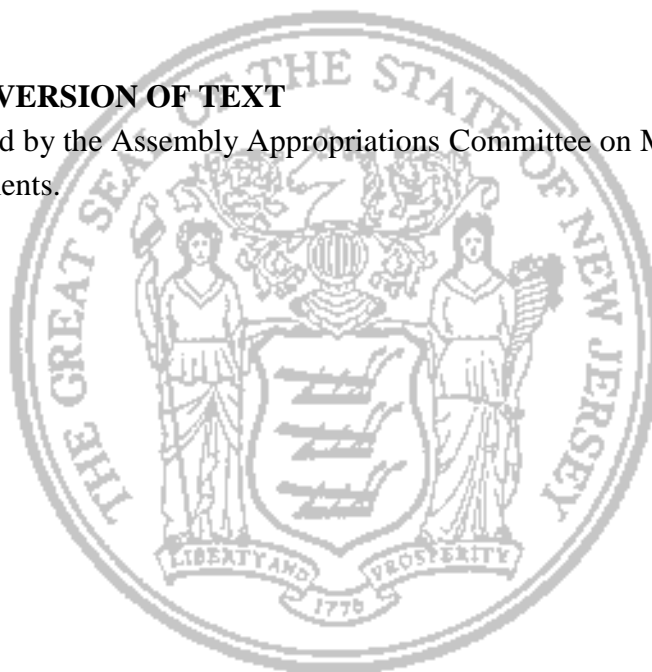
**Assemblywoman Speight**

### **SYNOPSIS**

Establishes program for certain individuals to become certified as homemaker-home health aides and provide services to certain Medicaid enrollees.

### **CURRENT VERSION OF TEXT**

As reported by the Assembly Appropriations Committee on March 23, 2023, with amendments.



**(Sponsorship Updated As Of: 3/30/2023)**

1 AN ACT concerning <sup>1</sup>**[certified nursing assistants]** homemaker-  
 2 home health aides<sup>1</sup> and home care services and supplementing  
 3 P.L.1968, c.413 (C.30:4D-1 et seq.).  
 4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
 6 of New Jersey:  
 7

8 1. a. <sup>2</sup>As used in this section, “family member” means a child,  
 9 parent, parent-in-law, sibling, grandparent, grandchild, spouse,  
 10 domestic partner, or one partner in a civil union couple, or any other  
 11 individual related by blood, and any other individual with a close  
 12 association that is the equivalent of a family relationship.

13 b.<sup>2</sup> No later than <sup>1</sup>**[six]** nine<sup>1</sup> months after the effective date of  
 14 this act <sup>1</sup>and receipt of federal approval for the program<sup>1</sup>, the Division  
 15 of Medical Assistance and Health Services in the Department of  
 16 Human Services shall establish a program under which a family  
 17 member of an enrollee in Medicaid or NJ FamilyCare <sup>2</sup>**[, or a third-**  
 18 **party individual approved by the parent or guardian of an enrollee in**  
 19 **Medicaid or NJ FamilyCare,]**<sup>2</sup> may <sup>2</sup>seek to<sup>2</sup> be certified <sup>2</sup>by the New  
 20 Jersey Board of Nursing<sup>2</sup> as <sup>1</sup>**[certified nursing assistant]** a  
 21 homemaker-home health aide<sup>1</sup> and, <sup>2</sup>after receiving that certification,  
 22 may<sup>2</sup> under the direction of a registered nurse, provide <sup>1</sup>**[certified**  
 23 **nursing assistant]** homemaker-home health aide<sup>1</sup> services to the  
 24 enrollee through a <sup>2</sup>**[private duty nursing]** home care services<sup>2</sup> agency  
 25 <sup>2</sup>**[under the reimbursement rates established pursuant to subsection d.**  
 26 **of this section]**<sup>2</sup>, provided that the enrollee is under 21 years of age  
 27 and <sup>2</sup>otherwise<sup>2</sup> qualifies <sup>2</sup>**[for private duty nursing]** to receive those<sup>2</sup>  
 28 services under Medicaid or NJ FamilyCare. The division shall  
 29 develop an assessment tool that will allow the division to readily  
 30 identify enrollees who meet these eligibility criteria.

31 <sup>2</sup>**[b.] c.**<sup>2</sup> The program established pursuant to this section shall  
 32 require the family member <sup>2</sup>**[or approved third-party individual]**<sup>2</sup> to  
 33 complete all the training, testing, and other qualification criteria as are  
 34 required under State and federal law for certification as a <sup>1</sup>**[certified**  
 35 **nursing assistant]** homemaker-home health aide<sup>1</sup>. The <sup>2</sup>**[private duty**  
 36 **nursing]** home care<sup>2</sup> services agency that will employ the family  
 37 member <sup>2</sup>**[or approved third-party individual]**<sup>2</sup> to provide <sup>2</sup>**[private**  
 38 **duty nursing]** homemaker-home health aide<sup>2</sup> services to the enrollee  
 39 shall pay all costs for the family member <sup>2</sup>**[or approved third-party**  
 40 **individual]**<sup>2</sup> to become certified as a <sup>1</sup>**[certified nursing assistant]**  
 41 homemaker-home health aide<sup>1</sup> <sup>2</sup>, and to receive certification as a  
 42 homemaker-home health aide from the New Jersey Board of Nursing,  
 43 before providing services under the program established pursuant to  
 44 this section<sup>2</sup>. In no case shall a family member <sup>2</sup>**[or approved third-**

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AHE committee amendments adopted November 14, 2022.

<sup>2</sup>Assembly AAP committee amendments adopted March 23, 2023.

1 party individual<sup>2</sup> who becomes a certified <sup>1</sup>["nursing assistant]  
2 homemaker-home health aide<sup>1</sup> under the <sup>2</sup>["provisions of"] program  
3 established pursuant to<sup>2</sup> this section be required to repay or reimburse  
4 the <sup>2</sup>["private duty nursing"] home care<sup>2</sup> services agency for the costs  
5 of the family member <sup>2</sup>["or approved third-party individual"]<sup>2</sup>  
6 becoming certified as a <sup>1</sup>["certified nursing assistant"] homemaker-  
7 home health aide<sup>1</sup> under the program.

8 <sup>2</sup>["c. The tasks delegated by a registered nurse to a family member  
9 who becomes certified as a <sup>1</sup>["certified nursing assistant"] homemaker-  
10 home health aide<sup>1</sup> pursuant to this section shall be consistent with the  
11 tasks that may be generally delegated to <sup>1</sup>["certified nursing assistants"]  
12 homemaker-home health aides<sup>1</sup> pursuant to the rules of the New Jersey  
13 Board of Nursing.

14 d. <sup>1</sup>["Certified nursing assistant"] Homemaker-home health aide<sup>1</sup>  
15 services provided by a family member of a Medicaid or NJ  
16 FamilyCare enrollee or an approved third-party individual who  
17 becomes certified as a <sup>1</sup>["certified nursing assistant"] homemaker-home  
18 health aide<sup>1</sup> under the program established pursuant to this section  
19 shall be reimbursed <sup>1</sup>to a private duty nursing agency<sup>1</sup> at a rate of no  
20 less than \$30 per hour for such time as the enrollee is under 21 years  
21 of age.

22 <sup>1</sup>e.] d.<sup>2</sup> The Director of the Division of Medical Assistance and  
23 Health Services in the Department of Human Services shall, no later  
24 than three years after the date the program is established pursuant to  
25 this section, prepare and submit a report to the Governor and, pursuant  
26 to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature,  
27 concerning the viability of the program and the director's  
28 recommendations concerning the program.<sup>1</sup>

30 2. The Assistant Commissioner of the Division of Medical  
31 Assistance and Health Services in the Department of Human  
32 Services <sup>2</sup>and the New Jersey Board of Nursing<sup>2</sup> shall <sup>2</sup>each<sup>2</sup> adopt  
33 rules and regulations, pursuant to the "Administrative Procedure  
34 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary to  
35 implement the provisions of this act.

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

43 4. This act shall take effect immediately.