

[Fourth Reprint]

ASSEMBLY, No. 4049

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED MAY 19, 2022

Sponsored by:

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

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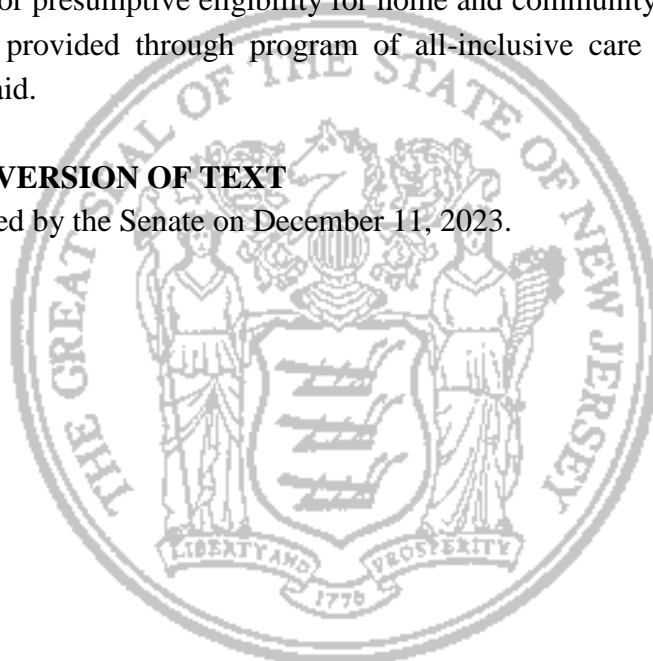
**Assemblymen Danielsen, Verrelli, Assemblywomen Jaffer, Jimenez,
Assemblyman Guardian, Assemblywomen Carter, Park, Assemblyman
Wimberly, Assemblywomen Speight and Pintor Marin**

SYNOPSIS

Provides for presumptive eligibility for home and community-based services and services provided through program of all-inclusive care for the elderly under Medicaid.

CURRENT VERSION OF TEXT

As amended by the Senate on December 11, 2023.



(Sponsorship Updated As Of: 6/30/2023)

1 AN ACT concerning presumptive eligibility for Medicaid home and
 2 community-based services ⁴[², nursing home services,]⁴ and
 3 services provided through programs of all-inclusive care for the
 4 elderly,² and supplementing Title 30 of the Revised Statutes.

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

8
 9 1. a. The Department of Human Services shall provide for the
 10 presumptive eligibility for home and community-based services ⁴[²,
 11 nursing home services,]⁴ and ³[programs of all-inclusive care for
 12 the elderly (PACE)²] services provided through PACE³ under
 13 Medicaid for an individual who is: seeking home and community-
 14 based services ⁴[², nursing home services,]⁴ or PACE enrollment²;
 15 awaiting an eligibility determination for Medicaid and any
 16 applicable Medicaid waiver program offering home and
 17 community-based services ⁴[², nursing home services,]⁴ or services
 18 provided through PACE²; and likely to be financially and clinically
 19 eligible for Medicaid and any applicable Medicaid waiver program
 20 offering home and community-based services ⁴[², nursing home
 21 services,]⁴ or services provided through PACE², as determined by
 22 the department.

23 b. The department shall provide Medicaid coverage for eligible
 24 home and community-based services ⁴[², nursing home services,]⁴
 25 or services provided through PACE² to an individual who is granted
 26 ¹[presumptively] presumptive¹ eligibility pursuant to this section.
 27 Coverage provided under this subsection shall begin upon the
 28 receipt of an individual's request for services, pursuant to
 29 subsection ³[c] c.³ of this section, and shall be terminated if the
 30 individual is determined clinically or financially ineligible for home
 31 and community-based services ⁴[², nursing home services,]⁴ or
 32 services provided through PACE² under Medicaid during the
 33 eligibility determination process.

34 c. An individual seeking presumptive eligibility for home and
 35 community-based services ⁴[², nursing home services,]⁴ or services
 36 provided through PACE² under Medicaid shall submit a request to
 37 the department in a manner and form as determined by the
 38 commissioner.

39 d. ¹[The] An¹ individual granted presumptive eligibility
 40 pursuant to this section shall be required to submit a completed
 41 application for Medicaid and any applicable Medicaid waiver

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:

¹Assembly ASE committee amendments adopted June 2, 2022.

²Assembly AHU committee amendments adopted February 9, 2023.

³Assembly ABU committee amendments adopted June 28, 2023.

⁴Senate floor amendments adopted December 11, 2023.

1 program offering home and community-based services ⁴["², nursing
2 home services,]"⁴ or services provided through PACE² no later than
3 the end of the month following the month in which presumptive
4 eligibility is granted.

5 e. ²A home and community-based services provider ⁴["², nursing
6 home facility,]"⁴ or PACE center shall be reimbursed for all
7 Medicaid-eligible services rendered to an individual who has been
8 granted presumptive eligibility pursuant to this section, regardless
9 ³["if"] of whether³ the individual granted presumptive eligibility is
10 determined clinically or financially ineligible for home and
11 community-based services ⁴["², nursing home services,]"⁴ or services
12 provided through PACE under Medicaid during the eligibility
13 determination process.

14 f.² The department shall provide each individual granted
15 presumptive eligibility pursuant to this section a written notice
16 explaining the terms and conditions of presumptive eligibility and
17 the home and community-based services ⁴["², nursing home
18 services,]"⁴ or services provided through PACE² the individual will
19 be eligible to receive.

20 ²["f.] g.² The commissioner shall apply for such State plan
21 amendments or waivers as may be necessary to implement the
22 provisions of this section and to secure federal financial
23 participation for State Medicaid expenditures under the federal
24 Medicaid program.

25 ²["g.] h.² As used in this section:

26 "Commissioner" means the Commissioner of Human Services.

27 "Department" means Department of Human Services.

28 "Eligibility determination" means the administrative process by
29 which the Division of Medical Assistance and Health Services in
30 the Department of Human Services or a county welfare agency
31 reviews a beneficiary's income, financial resources, and
32 circumstances relating to the beneficiary's application for benefits
33 received under Medicaid or any applicable Medicaid waiver
34 program offering home and community-based services ⁴["², nursing
35 home services,]"⁴ or services provided through PACE².

36 "Medicaid" means the Medicaid program established pursuant to
37 P.L.1968, c.413 (C.30:4D-1 et seq.).

38 ³"PACE" means the program of all-inclusive care for the elderly
39 as defined in section 1 of P.L.1997, c.296 (C.26:2H-88).³

40
41 2. The Commissioner of Human Services, in accordance with
42 the "Administrative Procedure Act," P.L.1968, c.410
43 (C.52:14B-1 et seq.), shall adopt such rules and regulations as the
44 commissioner deems necessary to carry out the provisions of this
45 act.

1 3. This act shall take effect ⁴**immediately** on the first day of
2 the 18th month next following enactment, except that the
3 Commissioner of Human Services may take any anticipatory
4 administrative action in advance as shall be necessary for the
5 implementation of this act⁴ .