

# ASSEMBLY, No. 4914

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED DECEMBER 5, 2022

**Sponsored by:**

**Assemblyman HERB CONAWAY, JR.**

**District 7 (Burlington)**

**Assemblyman STERLEY S. STANLEY**

**District 18 (Middlesex)**

**Assemblywoman ANGELA V. MCKNIGHT**

**District 31 (Hudson)**

**Co-Sponsored by:**

**Assemblywomen Jimenez, Murphy and Speight**

**SYNOPSIS**

Establishes "Hospital at Home Act."

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 3/9/2023)**

1 AN ACT concerning acute hospital care and supplementing Title 26  
2 of the Revised Statutes.

3

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

6

7 1. This act shall be known and may be cited as the "Hospital at  
8 Home Act."

9

10 2. As used in this act:

11 "Carrier," "covered person," and "health benefits plan," shall  
12 have the same meaning as provided for those terms under section 2  
13 of P.L.1997, c.192 (C.26:2S-2).

14 "Department" means the Department of Health.

15 "Hospital" means a general acute care hospital licensed pursuant  
16 to P.L.1971, c.136 (C.26:2H-1 et seq.).

17 "Program" means the hospital at home program established by  
18 the department pursuant to section 3 of this act.

19

20 3. a. Notwithstanding any provision of law to the contrary, the  
21 department shall establish a program to permit a hospital to provide  
22 acute care services to a covered person outside of the hospital's  
23 licensed facility and within a private residence designated by the  
24 covered person. The program shall be established in a manner that  
25 is consistent with the provisions of the Acute Hospital Care at  
26 Home Program, as authorized by the federal Centers for Medicare  
27 and Medicaid Services.

28 b. Any hospital previously in receipt of a waiver to operate, or  
29 otherwise approved to participate in the Centers for Medicare and  
30 Medicaid Services's Acute Hospital Care at Home Program prior to  
31 the effective date of this act, shall be permitted to operate or to  
32 continue to operate the program in the same manner as previously  
33 permitted under federal law, and shall be integrated into the  
34 program established pursuant to this section.

35

36 4. The NJ FamilyCare and Medicaid programs, and any carrier  
37 that offers a health benefits plan in this State, shall provide  
38 coverage and payment for acute hospital care services delivered to a  
39 covered person through the program established pursuant to section  
40 3 of this act, on the same basis as when services are delivered  
41 within the facilities of a hospital. Reimbursement payments under  
42 this section shall be provided to the hospital, facility, or  
43 organization providing the services or the individual practitioner  
44 who delivered the reimbursable services, or to the agency, facility,  
45 or organization that employs or contracts with the individual  
46 practitioner who delivered the reimbursable services, as appropriate.  
47 Carriers shall not utilize more stringent utilization management

1 criteria than apply when those services are provided within the  
2 facilities of a hospital.

3

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

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10 6. The Commissioners of Health and Human Services shall  
11 jointly or separately adopt rules and regulations, in accordance with  
12 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1  
13 et seq.), if necessary to effectuate the provisions of this act. The  
14 Commissioners of Health and Human Services shall jointly or  
15 separately waive any rules or regulations if necessary to implement  
16 the provisions of this act.

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18 7. This act shall take effect immediately.

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#### STATEMENT

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23 This bill establishes the "Hospital at Home Act."

24 Under the bill, the Department of Health (department) is to  
25 establish a program to permit a hospital to provide acute care  
26 services to a covered person outside of the hospital's licensed  
27 facility and within a private residence designated by the covered  
28 person. The program is to be established in a manner that is  
29 consistent with the provisions of the Acute Hospital Care at Home  
30 Program, as authorized by the federal Centers for Medicare and  
31 Medicaid Services. Any hospital previously in receipt of a waiver  
32 to operate, or otherwise approved to participate in the Centers for  
33 Medicare and Medicaid Services's Acute Hospital Care at Home  
34 Program prior to the bill's effective is to be permitted to operate or  
35 to continue to operate the program in the same manner as  
36 previously permitted under federal law, and is to be integrated into  
37 the program established pursuant to this section.

38 Under the bill, the NJ FamilyCare and Medicaid programs, and  
39 any carrier that offers a health benefits plan in this State, is to  
40 provide coverage and payment for acute hospital care services  
41 delivered to a covered person under the program established  
42 pursuant to the bill's provisions, on the same basis as when services  
43 are delivered within the facilities of a hospital. Reimbursement  
44 payments are to be provided to the hospital, facility, or organization  
45 providing the services or the individual practitioner who delivered  
46 the reimbursable services, or to the agency, facility, or organization  
47 that employs or contracts with the individual practitioner who  
48 delivered the reimbursable services. Carriers are not to utilize more

1 stringent utilization management criteria than apply when those  
2 services are provided within the facilities of a hospital.

3 Under current law, "carrier" means an insurance company, health  
4 service corporation, hospital service corporation, medical service  
5 corporation, or health maintenance organization authorized to issue  
6 health benefits plans in this State. "Covered person" means a  
7 person on whose behalf a carrier offering the plan is obligated to  
8 pay benefits or provide services pursuant to the health benefits plan.  
9 "Health benefits plan" means a benefits plan which pays or provides  
10 hospital and medical expense benefits for covered services, and is  
11 delivered or issued for delivery in this State by or through a carrier.  
12 Health benefits plan includes, but is not limited to, Medicare  
13 supplement coverage and risk contracts to the extent not otherwise  
14 prohibited by federal law. For the purposes of this act, health  
15 benefits plan shall not include the following plans, policies, or  
16 contracts: accident only, credit, disability, long-term care,  
17 CHAMPUS supplement coverage, coverage arising out of a  
18 workers' compensation or similar law, automobile medical payment  
19 insurance, personal injury protection insurance issued pursuant to  
20 P.L.1972, c.70 (C.39:6A-1 et seq.), or hospital confinement  
21 indemnity coverage.