

Title 26.  
Chapter 2H.  
Part XIII (New)  
Acute Hospital  
Care at Home  
Program  
§§1-7  
C.26:2H-163  
to 26:2H-169  
§8  
Note to all  
sections

P.L. 2023, CHAPTER 163, *approved September 25, 2023*  
Assembly, No. 4914 (*Fifth Reprint*)

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 <sup>3</sup>"Federal acute Hospital Care at Home Program" or "federal  
16 program" means the program established by the federal Centers for  
17 Medicare and Medicaid Services under 42 U.S.C. Section 1320b-5  
18 and extended by 42 U.S.C 1395cc-7, or any successor program  
19 established by an act of Congress or the federal Centers for  
20 Medicare and Medicaid Services.<sup>3</sup>  
21 "Hospital" means <sup>1</sup>[a general] an<sup>1</sup> acute care hospital licensed  
22 pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.).  
23 <sup>3</sup>["Program"] "State program"<sup>3</sup> means the hospital at home  
24 program established by the department pursuant to section 3 of this  
25 act.

**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 March 9, 2023.

<sup>2</sup>Assembly AFI committee amendments adopted June 5, 2023.

<sup>3</sup>Assembly AAP committee amendments adopted June 22, 2023.

<sup>4</sup>Assembly ABU committee amendments adopted June 27, 2023.

<sup>5</sup>Senate floor amendments adopted June 30, 2023.

1           3. a. Notwithstanding any provision of law to the contrary, the  
 2 department shall establish a <sup>3</sup>State<sup>3</sup> program to permit a hospital to  
 3 provide acute care services to <sup>1</sup>[a covered person] an individual<sup>1</sup>  
 4 outside of the hospital's licensed facility and within a private residence  
 5 designated by the <sup>1</sup>[covered person] individual<sup>1</sup>. The program shall  
 6 be established in a manner that is consistent with the provisions of the  
 7 <sup>3</sup>federal<sup>3</sup> Acute Hospital Care at Home Program <sup>3</sup>[, as authorized by  
 8 the federal Centers for Medicare and Medicaid Services] and shall  
 9 remain in effect for such time as the federal Acute Hospital Care at  
 10 Home Program remains in effect<sup>3</sup>.

11           b. Any hospital <sup>3</sup>[previously in receipt of] issued<sup>3</sup> a waiver to  
 12 operate, or otherwise approved to participate in <sup>3,3</sup> the <sup>3</sup>[Centers for  
 13 Medicare and Medicaid Services's] <sup>3</sup>federal<sup>3</sup> Acute Hospital Care at  
 14 Home Program <sup>3</sup>[prior to the effective date of this act,]<sup>3</sup> shall be  
 15 permitted to operate <sup>4</sup>[or to continue to operate]<sup>4</sup> <sup>3</sup>under<sup>3</sup> the <sup>3</sup>federal<sup>3</sup>  
 16 program <sup>4</sup>[in the same manner as]<sup>4</sup> <sup>3</sup>[previously] <sup>4</sup>[is]<sup>3</sup> to the  
 17 extent<sup>4</sup> permitted under <sup>3</sup>the<sup>3</sup> federal <sup>3</sup>[law] program<sup>3</sup> <sup>4</sup>[, and shall be  
 18 integrated into the <sup>3</sup>State<sup>3</sup> program established pursuant to this  
 19 section] for such time as the federal program remains in effect<sup>4</sup>.

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 21           4. The NJ FamilyCare and Medicaid programs, and any carrier  
 22 that offers a health benefits plan in this State, shall provide  
 23 coverage <sup>1</sup>[and payment]<sup>1</sup> for acute hospital care services delivered  
 24 <sup>4</sup>[by a credentialed health care provider]<sup>1</sup><sup>4</sup> to a covered person  
 25 through the program established pursuant to section 3 of this act, on  
 26 the same basis as when services are delivered within the facilities of  
 27 a hospital. Reimbursement payments under this section shall be  
 28 <sup>5</sup>established pursuant to the contract between the carrier and the  
 29 hospital and shall be<sup>5</sup> provided to the hospital, facility, or  
 30 organization providing the services or the individual practitioner  
 31 who delivered the reimbursable services, or to the agency, facility,  
 32 or organization that employs or contracts with the individual  
 33 practitioner who delivered the reimbursable services, as appropriate.  
 34 Carriers shall not utilize more stringent utilization management  
 35 criteria than apply when those services are provided within the  
 36 facilities of a hospital.

37  
 38           <sup>4</sup>5. Licensed health care providers providing acute care services to  
 39 a covered person outside the hospital's licensed space and within a  
 40 private residence designated by the covered person shall be  
 41 credentialed by a carrier as a condition of the services being deemed to  
 42 be network services.<sup>4</sup>

43  
 44           <sup>4</sup>[5.] 6.<sup>4</sup> The Commissioner of Human Services shall apply for  
 45 any State plan amendments or waivers as may be necessary to  
 46 implement the provisions of this act and to secure federal financial

1 participation for State Medicaid expenditures under the federal  
2 Medicaid program.

3

4 <sup>4</sup>~~6.~~ 7.<sup>4</sup> The Commissioners of Health and Human Services  
5 shall jointly or separately adopt rules and regulations, in accordance  
6 with the “Administrative Procedure Act,” P.L.1968, c.410  
7 (C.52:14B-1 et seq.), if necessary to effectuate the provisions of this  
8 act. The Commissioners of Health and Human Services shall  
9 jointly or separately waive any rules or regulations if necessary to  
10 implement the provisions of this act.

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12 <sup>4</sup>~~7.~~ 8.<sup>4</sup> This act shall take effect <sup>2</sup>~~immediately~~ on the 120th  
13 day next following enactment<sup>2</sup>.

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Establishes "Hospital at Home Act."