

§§1,3
C.30:4D-7qq
and 30:4D-7rr
§2
Note to
C.30:4D-4
and C.45:11-24

P.L. 2023, CHAPTER 90, *approved July 3, 2023*
Senate, No. 1307 (*Third Reprint*)

1 AN ACT concerning ¹**[certified nursing assistants]** homemaker-
2 home health aides¹ 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. ²As 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.² No later than nine months after the effective date of this act
14 and receipt of federal approval for the program, the Division of
15 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 ²**[**, or a third-
18 party individual approved by the parent or guardian of an enrollee
19 in Medicaid or NJ FamilyCare,² may ²seek to² be certified ²by the
20 New Jersey Board of Nursing² as ¹**[certified nursing assistant]** a
21 homemaker-home health aide¹ and, ²after receiving that
22 certification, may,² under the direction of a registered nurse,
23 provide ¹**[certified nursing assistant]** homemaker-home health
24 aide¹ services to the enrollee through a ³**[private duty nursing]**
25 home care services³ agency ²**[**under the reimbursement rates
26 established pursuant to subsection d. of this section] ³**[**, home
27 health agency, or health care service firm²]³ , provided that the
28 enrollee is under 21 years of age and ²otherwise² qualifies ²**[**for
29 private duty nursing] to receive those² services under Medicaid or
30 NJ FamilyCare. The division shall develop an assessment tool that
31 will allow the division to readily identify enrollees who meet these
32 eligibility criteria.

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:

¹Senate SHH committee amendments adopted October 31, 2022.

²Senate SBA committee amendments adopted January 19, 2023.

³Assembly AAP committee amendments adopted March 23, 2023.

1 ²**[b.] c.**² The program established pursuant to this section shall
2 require the family member ²**[or approved third-party individual]**² to
3 complete all the training, testing, and other qualification criteria as
4 are required under State and federal law for certification as a
5 ¹**[certified nursing assistant]** homemaker-home health aide¹ . The
6 ³**[private duty nursing]** home care³ services agency ³**[², home**
7 health agency, or health care service firm²]³ that will employ the
8 family member ²**[or approved third-party individual]**² to provide
9 ²**[private duty nursing]** homemaker-home health aide² services to
10 the enrollee shall pay all costs for the family member ²**[or approved**
11 **third-party individual]**² to become certified as a ¹**[certified nursing**
12 **assistant]** homemaker-home health aide¹ ², and to receive
13 certification as a homemaker-home health aide from the New Jersey
14 Board of Nursing, before providing services under the program
15 established pursuant to this section² . In no case shall a family
16 member ²**[or approved third-party individual]**² who becomes a
17 certified ¹**[nursing assistant]** homemaker-home health aide¹ under
18 the ²**[provisions of]** program established pursuant to² this section
19 be required to repay or reimburse the ³**[private duty nursing]** home
20 care³ services agency ³**[², home health agency, or health care**
21 service firm employing the family member²]³ for the costs of the
22 family member ²**[or approved third-party individual]**² becoming
23 certified as a ¹**[certified nursing assistant]** homemaker-home health
24 aide¹ under the program.

25 ²**[c.** The tasks delegated by a registered nurse to a family
26 member who becomes certified as a ¹**[certified nursing assistant]**
27 homemaker-home health aide¹ pursuant to this section shall be
28 consistent with the tasks that may be generally delegated to
29 ¹**[certified nursing assistants]** homemaker-home health aides¹
30 pursuant to the rules of the New Jersey Board of Nursing.

31 d. ¹**[Certified nursing assistant]** Homemaker-home health aide¹
32 services provided by a family member of a Medicaid or NJ
33 FamilyCare enrollee or an approved third-party individual who
34 becomes certified as a ¹**[certified nursing assistant]** homemaker-
35 home health aide¹ under the program established pursuant to this
36 section shall be reimbursed to a private duty nursing agency at a
37 rate of no less than \$30 per hour for such time as the enrollee is
38 under 21 years of age.

39 e.] ²**d.**² The Director of the Division of Medical Assistance and
40 Health Services in the Department of Human Services shall, no later
41 than three years after the date the program is established pursuant to
42 this section, prepare and submit a report to the Governor and,
43 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the
44 Legislature, concerning the viability of the program and the
45 director's recommendations concerning the program.

1 2. The Assistant Commissioner of the Division of Medical
2 Assistance and Health Services in the Department of Human
3 Services ²and the New Jersey Board of Nursing² shall ²each² adopt
4 rules and regulations, pursuant to the “Administrative Procedure
5 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary to
6 implement the provisions of this act.

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

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14 4. This act shall take effect immediately.

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