

CHAPTER 90

AN ACT concerning homemaker-home health aides and home care services and supplementing P.L.1968, c.413 (C.30:4D-1 et seq.).

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

C.30:4D-7qq Homemaker-home health aide certification program, family member; definition; report to Governor, Legislature.

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

b. No later than nine months after the effective date of this act and receipt of federal approval for the program, the Division of Medical Assistance and Health Services in the Department of Human Services shall establish a program under which a family member of an enrollee in Medicaid or NJ FamilyCare may seek to be certified by the New Jersey Board of Nursing as a homemaker-home health aide and, after receiving that certification, may, under the direction of a registered nurse, provide homemaker-home health aide services to the enrollee through a home care services agency, provided that the enrollee is under 21 years of age and otherwise qualifies to receive those services under Medicaid or NJ FamilyCare. The division shall develop an assessment tool that will allow the division to readily identify enrollees who meet these eligibility criteria.

c. The program established pursuant to this section shall require the family member to complete all the training, testing, and other qualification criteria as are required under State and federal law for certification as a homemaker-home health aide. The home care services agency that will employ the family member to provide homemaker-home health aide services to the enrollee shall pay all costs for the family member to become certified as a homemaker-home health aide, and to receive certification as a homemaker-home health aide from the New Jersey Board of Nursing, before providing services under the program established pursuant to this section. In no case shall a family member who becomes a certified homemaker-home health aide under the program established pursuant to this section be required to repay or reimburse the home care services agency for the costs of the family member becoming certified as a homemaker-home health aide under the program.

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

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

C.30:4D-7rr State plan amendments, waivers, apply, Commissioner, Human Services.

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

4. This act shall take effect immediately.

Approved July 3, 2023.