

SENATE, No. 1307

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED FEBRUARY 3, 2022

Sponsored by:

Senator JAMES BEACH

District 6 (Burlington and Camden)

SYNOPSIS

Establishes program for certain individuals to become certified nursing assistants and provide private duty nursing services to certain Medicaid enrollees under increased reimbursement rates.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning certified nursing assistants and home care
2 services and supplementing P.L.1968, c.413 (C.30:4D-1 et seq.).
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4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*
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7 1. a. No later than nine months after the effective date of this
8 act and receipt of federal approval for the program, the Division of
9 Medical Assistance and Health Services in the Department of
10 Human Services shall establish a program under which a family
11 member of an enrollee in Medicaid or NJ FamilyCare, or a third-
12 party individual approved by the parent or guardian of an enrollee
13 in Medicaid or NJ FamilyCare, may be certified as certified nursing
14 assistant and, under the direction of a registered nurse, provide
15 certified nursing assistant services to the enrollee through a private
16 duty nursing agency under the reimbursement rates established
17 pursuant to subsection d. of this section, provided that the enrollee
18 is under 21 years of age and qualifies for private duty nursing
19 services under Medicaid or NJ FamilyCare. The division shall
20 develop an assessment tool that will allow the division to readily
21 identify enrollees who meet these eligibility criteria.

22 b. The program established pursuant to this section shall
23 require the family member or approved third-party individual to
24 complete all the training, testing, and other qualification criteria as
25 are required under State and federal law for certification as a
26 certified nursing assistant. The private duty nursing services
27 agency that will employ the family member or approved third-party
28 individual to provide private duty nursing services to the enrollee
29 shall pay all costs for the family member or approved third-party
30 individual to become certified as a certified nursing assistant. In no
31 case shall a family member or approved third-party individual who
32 becomes a certified nursing assistant under the provisions of this
33 section be required to repay or reimburse the private duty nursing
34 services agency for the costs of the family member or approved
35 third-party individual becoming certified as a certified nursing
36 assistant under the program.

37 c. The tasks delegated by a registered nurse to a family
38 member who becomes certified as a certified nursing assistant
39 pursuant to this section shall be consistent with the tasks that may
40 be generally delegated to certified nursing assistants pursuant to the
41 rules of the New Jersey Board of Nursing.

42 d. Certified nursing assistant services provided by a family
43 member of a Medicaid or NJ FamilyCare enrollee or an approved
44 third-party individual who becomes certified as a certified nursing
45 assistant under the program established pursuant to this section
46 shall be reimbursed to a private duty nursing agency at a rate of no
47 less than \$30 per hour for such time as the enrollee is under 21
48 years of age.

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

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9 2. The Assistant Commissioner of the Division of Medical
10 Assistance and Health Services in the Department of Human
11 Services shall adopt rules and regulations, pursuant to the
12 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
13 1 et seq.), as are necessary to implement the provisions of this act.

14
15 3. The Commissioner of Human Services shall apply for such
16 State plan amendments or waivers as may be necessary to
17 implement the provisions of this act and to secure federal financial
18 participation for State Medicaid expenditures under the federal
19 Medicaid program.

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21 4. This act shall take effect immediately.

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24 **STATEMENT**

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26 This bill requires the Division of Medical Assistance and Health
27 Services (DMAHS) in the Department of Human Services (DHS) to
28 establish a program under which a family member of an enrollee in
29 Medicaid or NJ FamilyCare or a third-party individual approved by
30 the enrollee's parent or guardian may be certified as certified
31 nursing assistant (CNA) and, under the direction of a registered
32 nurse, provide CNA services to the enrollee through a private duty
33 nursing agency, which services will be subject to an enhanced
34 reimbursement rate. The program established under the bill will
35 apply to enrollees who are under 21 years of age and qualify for
36 private duty nursing services under Medicaid or NJ FamilyCare.
37 The DMAHS will be required to develop an assessment tool that
38 will allow the DMAHS to readily identify enrollees who meet these
39 eligibility criteria.

40 Under the program, the family member or approved third-party
41 individual will be required to complete all the training, testing, and
42 other qualification criteria as are required under State and federal
43 law for certification as a CNA. The private duty nursing services
44 agency that will employ the family member or approved third-party
45 individual will be required to pay all costs for the family member or
46 approved third-party individual to become certified as a CNA. In
47 no case will the family member or approved third-party individual

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1 be required to repay or reimburse the agency for the costs of
2 becoming a CNA.

3 The tasks delegated by a registered nurse to a family member or
4 approved third-party individual who becomes certified as a CNA
5 under the bill are to be consistent with the tasks that may be
6 generally delegated to CNAs pursuant to the rules of the New
7 Jersey Board of Nursing.

8 Certified nursing assistant services provided by a family member
9 of a Medicaid or NJ FamilyCare enrollee or an approved third-party
10 individual who becomes certified as a CNA under the program will
11 be reimbursed to a private duty nursing agency at a rate of no less
12 than \$30 per hour for such time as the enrollee is under 21 years of
13 age.

14 The DMAHS will be required to establish the program within
15 nine months after the effective date of the bill and after receipt of
16 federal approval for the program. The DHS will be required to
17 apply for State plan amendments and waivers as are necessary to
18 implement the provisions of the bill and to secure federal financial
19 participation for State Medicaid expenditures under the federal
20 Medicaid program.

21 No later than three years after the program is established, the
22 DMAHS will be required to prepare and submit a report to the
23 Governor and the Legislature concerning the viability of the
24 program and its recommendations related to the program.