

[First Reprint]

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 as homemaker-home health aides and provide private duty nursing services to certain Medicaid enrollees under increased reimbursement rates.

CURRENT VERSION OF TEXT

As reported by the Senate Health, Human Services and Senior Citizens Committee on October 31, 2022, with amendments.



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. No later than nine months after the effective date of this
 9 act and receipt of federal approval for the program, the Division of
 10 Medical Assistance and Health Services in the Department of
 11 Human Services shall establish a program under which a family
 12 member of an enrollee in Medicaid or NJ FamilyCare, or a third-
 13 party individual approved by the parent or guardian of an enrollee
 14 in Medicaid or NJ FamilyCare, may be certified as ¹**certified**
 15 **nursing assistant** a homemaker-home health aide¹ and, under the
 16 direction of a registered nurse, provide ¹**certified nursing**
 17 **assistant** homemaker-home health aide¹ services to the enrollee
 18 through a private duty nursing agency under the reimbursement
 19 rates established pursuant to subsection d. of this section, provided
 20 that the enrollee is under 21 years of age and qualifies for private
 21 duty nursing services under Medicaid or NJ FamilyCare. The
 22 division shall develop an assessment tool that will allow the
 23 division to readily identify enrollees who meet these eligibility
 24 criteria.

25 b. The program established pursuant to this section shall
 26 require the family member or approved third-party individual to
 27 complete all the training, testing, and other qualification criteria as
 28 are required under State and federal law for certification as a
 29 ¹**certified nursing assistant** homemaker-home health aide¹. The
 30 private duty nursing services agency that will employ the family
 31 member or approved third-party individual to provide private duty
 32 nursing services to the enrollee shall pay all costs for the family
 33 member or approved third-party individual to become certified as a
 34 ¹**certified nursing assistant** homemaker-home health aide¹. In no
 35 case shall a family member or approved third-party individual who
 36 becomes a certified ¹**nursing assistant** homemaker-home health
 37 aide¹ under the provisions of this section be required to repay or
 38 reimburse the private duty nursing services agency for the costs of
 39 the family member or approved third-party individual becoming
 40 certified as a ¹**certified nursing assistant** homemaker-home health
 41 aide¹ under the program.

42 c. The tasks delegated by a registered nurse to a family
 43 member who becomes certified as a ¹**certified nursing assistant**
 44 homemaker-home health aide¹ pursuant to this section shall be
 45 consistent with the tasks that may be generally delegated to

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.

1 ¹**【certified nursing assistants】** homemaker-home health aides¹
2 pursuant to the rules of the New Jersey Board of Nursing.

3 d. ¹**【Certified nursing assistant】** Homemaker-home health
4 aide¹ services provided by a family member of a Medicaid or NJ
5 FamilyCare enrollee or an approved third-party individual who
6 becomes certified as a ¹**【certified nursing assistant】** homemaker-
7 home health aide¹ under the program established pursuant to this
8 section shall be reimbursed to a private duty nursing agency at a
9 rate of no less than \$30 per hour for such time as the enrollee is
10 under 21 years of age.

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

18

19 2. The Assistant Commissioner of the Division of Medical
20 Assistance and Health Services in the Department of Human
21 Services shall adopt rules and regulations, pursuant to the
22 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
23 1 et seq.), as are necessary to implement the provisions of this act.

24

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

30

31 4. This act shall take effect immediately.