

[Second Reprint]

**SENATE, No. 1307**

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**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

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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 services to certain Medicaid enrollees.

**CURRENT VERSION OF TEXT**

As reported by the Senate Budget and Appropriations Committee on January 19, 2023, with amendments.



1 AN ACT concerning <sup>1</sup>**[certified nursing assistants]** homemaker-  
 2 home health aides<sup>1</sup> 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. <sup>2</sup>As 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.<sup>2</sup> 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 <sup>2</sup>**[**or a third-  
 18 party individual approved by the parent or guardian of an enrollee  
 19 in Medicaid or NJ FamilyCare,**]**<sup>2</sup> may <sup>2</sup>seek to<sup>2</sup> be certified <sup>2</sup>by the  
 20 New Jersey Board of Nursing<sup>2</sup> as <sup>1</sup>**[certified nursing assistant]** a  
 21 homemaker-home health aide<sup>1</sup> and, <sup>2</sup>after receiving that  
 22 certification, may,<sup>2</sup> under the direction of a registered nurse,  
 23 provide <sup>1</sup>**[certified nursing assistant]** homemaker-home health  
 24 aide<sup>1</sup> services to the enrollee through a private duty nursing agency  
 25 <sup>2</sup>**[**under the reimbursement rates established pursuant to subsection  
 26 d. of this section**]** , home health agency, or health care service firm<sup>2</sup>  
 27 , provided that the enrollee is under 21 years of age and <sup>2</sup>otherwise<sup>2</sup>  
 28 qualifies <sup>2</sup>**[**for private duty nursing**]** to receive those<sup>2</sup> services  
 29 under Medicaid or NJ FamilyCare. The division shall develop an  
 30 assessment tool that will allow the division to readily identify  
 31 enrollees who meet these eligibility criteria.

32 <sup>2</sup>**[b.] c.**<sup>2</sup> The program established pursuant to this section shall  
 33 require the family member <sup>2</sup>**[**or approved third-party individual**]**<sup>2</sup> to  
 34 complete all the training, testing, and other qualification criteria as  
 35 are required under State and federal law for certification as a  
 36 <sup>1</sup>**[certified nursing assistant]** homemaker-home health aide<sup>1</sup> . The  
 37 private duty nursing services agency <sup>2</sup>, home health agency, or  
 38 health care service firm<sup>2</sup> that will employ the family member <sup>2</sup>**[**or  
 39 approved third-party individual**]**<sup>2</sup> to provide <sup>2</sup>**[**private duty  
 40 nursing**]** homemaker-home health aide<sup>2</sup> services to the enrollee  
 41 shall pay all costs for the family member <sup>2</sup>**[**or approved third-party  
 42 individual**]**<sup>2</sup> to become certified as a <sup>1</sup>**[certified nursing assistant]**  
 43 homemaker-home health aide<sup>1</sup> <sup>2</sup>, and to receive certification as a  
 44 homemaker-home health aide from the New Jersey Board of

**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>Senate SHH committee amendments adopted October 31, 2022.

<sup>2</sup>Senate SBA committee amendments adopted January 19, 2023.

1 Nursing, before providing services under the program established  
2 pursuant to this section<sup>2</sup> . In no case shall a family member <sup>2</sup>~~or~~  
3 ~~approved third-party individual~~<sup>2</sup> who becomes a certified  
4 <sup>1</sup>~~nursing assistant~~ homemaker-home health aide<sup>1</sup> under the  
5 <sup>2</sup>~~provisions of~~ program established pursuant to<sup>2</sup> this section be  
6 required to repay or reimburse the private duty nursing services  
7 agency <sup>2</sup>, home health agency, or health care service firm  
8 employing the family member<sup>2</sup> for the costs of the family member  
9 <sup>2</sup>~~or approved third-party individual~~<sup>2</sup> becoming certified as a  
10 <sup>1</sup>~~certified nursing assistant~~ homemaker-home health aide<sup>1</sup> under  
11 the program.

12 <sup>2</sup>~~c.~~ The tasks delegated by a registered nurse to a family  
13 member who becomes certified as a <sup>1</sup>~~certified nursing assistant~~  
14 homemaker-home health aide<sup>1</sup> pursuant to this section shall be  
15 consistent with the tasks that may be generally delegated to  
16 <sup>1</sup>~~certified nursing assistants~~ homemaker-home health aides<sup>1</sup>  
17 pursuant to the rules of the New Jersey Board of Nursing.

18 d. <sup>1</sup>~~Certified nursing assistant~~ Homemaker-home health aide<sup>1</sup>  
19 services provided by a family member of a Medicaid or NJ  
20 FamilyCare enrollee or an approved third-party individual who  
21 becomes certified as a <sup>1</sup>~~certified nursing assistant~~ homemaker-  
22 home health aide<sup>1</sup> under the program established pursuant to this  
23 section shall be reimbursed to a private duty nursing agency at a  
24 rate of no less than \$30 per hour for such time as the enrollee is  
25 under 21 years of age.

26 e. <sup>1</sup>~~d.~~<sup>2</sup> The Director of the Division of Medical Assistance and  
27 Health Services in the Department of Human Services shall, no later  
28 than three years after the date the program is established pursuant to  
29 this section, prepare and submit a report to the Governor and,  
30 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the  
31 Legislature, concerning the viability of the program and the  
32 director's recommendations concerning the program.

33  
34 2. The Assistant Commissioner of the Division of Medical  
35 Assistance and Health Services in the Department of Human  
36 Services <sup>2</sup>and the New Jersey Board of Nursing<sup>2</sup> shall <sup>2</sup>each<sup>2</sup> adopt  
37 rules and regulations, pursuant to the "Administrative Procedure  
38 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary to  
39 implement the provisions of this act.

40  
41 3. The Commissioner of Human Services shall apply for such  
42 State plan amendments or waivers as may be necessary to  
43 implement the provisions of this act and to secure federal financial  
44 participation for State Medicaid expenditures under the federal  
45 Medicaid program.

46  
47 4. This act shall take effect immediately.