

[Third Reprint]

SENATE, No. 1307

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED FEBRUARY 3, 2022

Sponsored by:

Senator JAMES BEACH

District 6 (Burlington and Camden)

Assemblywoman PAMELA R. LAMPITT

District 6 (Burlington and Camden)

Assemblyman ANTHONY S. VERRELLI

District 15 (Hunterdon and Mercer)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Co-Sponsored by:

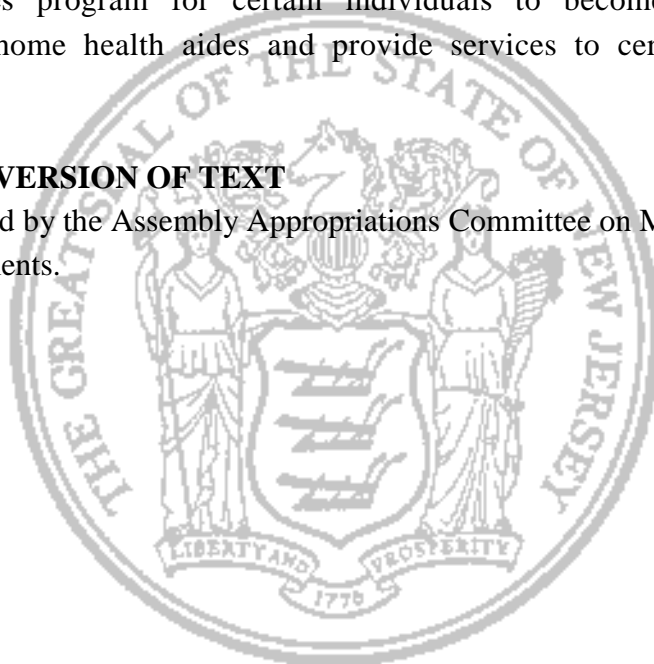
Assemblywoman Speight, Senators Johnson and Pou

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 Assembly Appropriations Committee on March 23, 2023, with amendments.



(Sponsorship Updated As Of: 5/22/2023)

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.

33 ²**[b.] c.**² The program established pursuant to this section shall
 34 require the family member ²**[**or approved third-party individual**]**² to
 35 complete all the training, testing, and other qualification criteria as
 36 are required under State and federal law for certification as a
 37 ¹**[certified nursing assistant]** homemaker-home health aide¹. The
 38 ³**[private duty nursing]** home care³ services agency ³**[**², home
 39 health agency, or health care service firm²**]**³ that will employ the
 40 family member ²**[**or approved third-party individual**]**² to provide
 41 ²**[private duty nursing]** homemaker-home health aide² services to
 42 the enrollee shall pay all costs for the family member ²**[**or approved

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 third-party individual² to become certified as a ¹certified nursing
2 assistant¹ homemaker-home health aide¹², and to receive
3 certification as a homemaker-home health aide from the New Jersey
4 Board of Nursing, before providing services under the program
5 established pursuant to this section². In no case shall a family
6 member ²or approved third-party individual² who becomes a
7 certified ¹certified nursing assistant¹ homemaker-home health aide¹ under
8 the ²provisions of¹ program established pursuant to² this section
9 be required to repay or reimburse the ³private duty nursing¹ home
10 care³ services agency³², home health agency, or health care
11 service firm employing the family member²³ for the costs of the
12 family member ²or approved third-party individual² becoming
13 certified as a ¹certified nursing assistant¹ homemaker-home health
14 aide¹ under the program.

15 ²c. The tasks delegated by a registered nurse to a family
16 member who becomes certified as a ¹certified nursing assistant¹
17 homemaker-home health aide¹ pursuant to this section shall be
18 consistent with the tasks that may be generally delegated to
19 ¹certified nursing assistants¹ homemaker-home health aides¹
20 pursuant to the rules of the New Jersey Board of Nursing.

21 d. ¹Certified nursing assistant¹ Homemaker-home health aide¹
22 services provided by a family member of a Medicaid or NJ
23 FamilyCare enrollee or an approved third-party individual who
24 becomes certified as a ¹certified nursing assistant¹ homemaker-
25 home health aide¹ under the program established pursuant to this
26 section shall be reimbursed to a private duty nursing agency at a
27 rate of no less than \$30 per hour for such time as the enrollee is
28 under 21 years of age.

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

36
37 2. The Assistant Commissioner of the Division of Medical
38 Assistance and Health Services in the Department of Human
39 Services ²and the New Jersey Board of Nursing² shall ²each² adopt
40 rules and regulations, pursuant to the "Administrative Procedure
41 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary to
42 implement the provisions of this act.

43
44 3. The Commissioner of Human Services shall apply for such
45 State plan amendments or waivers as may be necessary to

- 1 implement the provisions of this act and to secure federal financial
- 2 participation for State Medicaid expenditures under the federal
- 3 Medicaid program.
- 4
- 5 4. This act shall take effect immediately.