

SENATE, No. 2362

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED MARCH 21, 2022

Sponsored by:

Senator JAMES BEACH

District 6 (Burlington and Camden)

Senator FRED H. MADDEN, JR.

District 4 (Camden and Gloucester)

SYNOPSIS

Requires hourly reimbursement rate for home health aide services provided through Statewide Respite Care Program and Jersey Assistance for Community Caregiving Program to be no less than Medicaid fee-for-service rate for personal care services; makes appropriation.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/19/2023)

S2362 BEACH, MADDEN

2

1 AN ACT concerning reimbursement levels for certain community
2 based senior program services, amending P.L.1987, c.119 and
3 supplementing Title 30 of the Revised Statutes, and making an
4 appropriation.

5

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

8

9 1. Section 6 of P.L.1987, c.119 (C.30:4F-12) is amended to
10 read as follows:

11 6. The commissioner shall promulgate rules and regulations in
12 accordance with the "Administrative Procedure Act," P.L.1968,
13 c.410 (C.52:14B-1 et seq.) necessary to effectuate the purposes of
14 this act. The rules and regulations shall include, but not be limited
15 to, the following:

16 a. Standards for eligibility for respite care services;

17 b. Target populations and situations to be given priority in
18 receiving services;

19 c. Qualifications and requirements of sponsors and providers;

20 d. Provider reimbursement and payment levels for respite care
21 services, provided that:

22 (1) the hourly reimbursement rate for home health aide services,
23 personal care services, and homemaker services, in which the
24 services are provided on a weekday, shall be no less than the hourly
25 State Medicaid fee-for-service reimbursement rate for personal care
26 services, and that the hourly reimbursement rate for home health
27 aid services, personal care services, and homemaker services, in
28 which the services are provided on a weekend and on a State or
29 federal holiday, shall be no less than the amount of the hourly State
30 Medicaid fee-for-service reimbursement rate for personal care
31 services plus \$1; and

32 (2) each eligible person shall receive up to \$6,088 of respite
33 services in a calendar year;

34 e. Service and cost limitations for eligible persons;

35 f. A sliding scale fee schedule for co-payments; and

36 g. Procedures for reporting on implementation of the program.

37 (cf: P.L.1987, c.119, s.6)

38

39 2. (New section) There shall be appropriated each fiscal year
40 from the General Fund to the Department of Human Services an
41 amount sufficient to carry out the provisions of section 1 of P.L. ,

42 c. (pending before the Legislature as this bill).

43

44 3. (New section) a. The hourly reimbursement rate for home
45 health aide services, personal care services, and homemaker

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.

1 services provided under the Jersey Assistance for Community
2 Caregiving (JACC) Program, as administered by the Division of
3 Aging Services in the Department of Human Services, in which the
4 services are provided on a weekday, shall be no less than the hourly
5 State Medicaid fee-for-service reimbursement rate for personal care
6 services, and the hourly reimbursement rate for home health aide
7 services, personal care services, and homemaker services provided
8 under the JACC Program, in which the services are provided on a
9 weekend and on a State or federal holiday, shall be no less than the
10 amount of the hourly State Medicaid fee-for-service reimbursement
11 rate for personal care services plus \$1.

12 b. Each applicant determined to be eligible for the JACC
13 Program, pursuant to criteria implemented by the Division of Aging
14 Services, shall receive, in addition to the cost of any monthly case
15 management fee, up to \$10,733 of JACC Program services in a
16 calendar year.

17 c. There shall be appropriated each fiscal year from the
18 General Fund to the Department of Human Services an amount
19 sufficient to carry out the provisions of this section.

20 d. The commissioner shall promulgate rules and regulations in
21 accordance with the "Administrative Procedure Act," P.L.1968,
22 c.410 (C.52:14B-1 et seq.) necessary to effectuate the purposes of
23 this section.

24

25 4. This act shall take effect immediately.

26

27

28

STATEMENT

29

30 This bill requires that the hourly reimbursement rate for home
31 health aide services, as well as personal care services and
32 homemaker services, provided through the Statewide Respite Care
33 Program and the Jersey Assistance for Community Caregiving
34 (JACC) Program, in which the services are provided on a weekday,
35 are no less than the Medicaid fee-for-service reimbursement rate for
36 personal care services. When the same services provided through
37 these programs are provided on a weekend and on a State or federal
38 holiday, the reimbursement rate is required to be no less than the
39 amount of the Medicaid fee-for-service reimbursement rate for
40 personal care services plus \$1. In addition, the bill increases the
41 current monetary cap each program will reimburse an eligible
42 participant in a calendar year. In order to fulfill these provisions,
43 the bill also requires that an amount sufficient to carry out these
44 provisions be appropriated each fiscal year from the General Fund
45 to the Department of Human Services.

46 The Statewide Respite Care Program, established pursuant to
47 P.L.1987, c.119 (C.30:4F-7 et seq.), provides relief and support to
48 family or other uncompensated caregivers from the demands of the

S2362 BEACH, MADDEN

1 daily care of functionally impaired persons, including the frail
2 elderly. The JACC Program, as established and implemented per
3 Medicaid Communication 00-10, provides services and supports to
4 certain eligible senior citizens to supplement and strengthen the
5 capacity of caregivers. The goal of the both programs is to delay
6 the placement of New Jersey residents in costly institutional
7 facilities.

8 Currently, pursuant to N.J.A.C.10:164B-7.1, home health aide
9 services, personal care services, and homemaker services provided
10 under the Statewide Respite Care Program are reimbursed at \$17
11 per hour for services provided on a weekday and \$18 per hour for
12 services provided on a weekend or a State or federal holiday.
13 According to Department of Human Services documents, the same
14 services provided under the JACC Program are reimbursed at
15 \$15.50 per hour for services provided on a weekday and \$17 per
16 hour for services provided on a weekend or a State or federal
17 holiday.

18 This bill would require those reimbursement rates to reflect the
19 current Medicaid fee-for-service reimbursement rate for personal
20 care services, which, pursuant to the Fiscal Year 2022 Appropriations
21 Act, is \$22 in FY 2022. As such, under the bill, the reimbursement
22 rate for home health aide services, personal care services, and
23 homemaker services provided through the Statewide Respite Care
24 Program and the JACC Program would be \$22 per hour for services
25 provided on a weekday and \$23 per hour for services provided on a
26 weekend or a State or federal holiday.

27 In order to ensure that no participant experiences a decrease in
28 services due to the increased reimbursement rates, the bill also
29 increases the calendar year funding caps per eligible participant.
30 For the Statewide Respite Care Program, the cap increases from
31 \$4,500 per calendar year to \$6,088. For the JACC Program, the cap
32 increases from \$7,200 per calendar year to \$10,733. This cap does
33 not include any additional costs associated with a monthly case
34 management fee.