

[Second Reprint]

**SENATE, No. 2792**

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

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INTRODUCED JUNE 6, 2022

**Sponsored by:**

**Senator M. TERESA RUIZ**

**District 29 (Essex)**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Co-Sponsored by:**

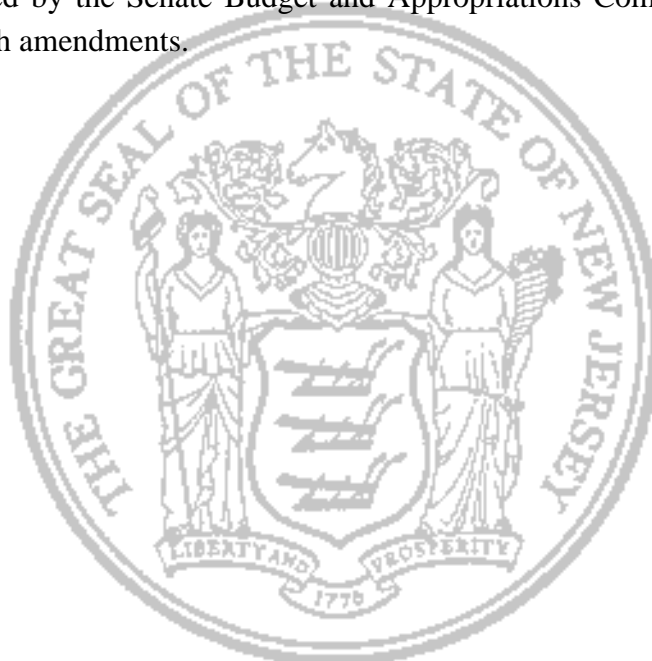
**Senators Cruz-Perez and Gopal**

**SYNOPSIS**

Increases Medicaid reimbursement rates for primary care services; appropriates \$20 million.

**CURRENT VERSION OF TEXT**

As reported by the Senate Budget and Appropriations Committee on June 27, 2023, with amendments.



**(Sponsorship Updated As Of: 5/8/2023)**

1 AN ACT concerning primary care <sup>2</sup>**[and mental health]**<sup>2</sup> services  
2 reimbursed under Medicaid <sup>2</sup>**[and]**,<sup>2</sup> supplementing Title 30 of  
3 the Revised Statutes <sup>2</sup>, and making an appropriation<sup>2</sup>.  
4

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

8 1. a. Commencing on July 1, <sup>2</sup>**[2022]** 2023<sup>2</sup>, <sup>2</sup>**[and annually**  
9 **thereafter]** or upon the effective date of this act, whichever occurs  
10 first<sup>2</sup>, the <sup>2</sup>Commissioner of Human Services shall increase the<sup>2</sup>  
11 Medicaid reimbursement <sup>2</sup>**[rate]** rates<sup>2</sup> for primary care <sup>2</sup>**[and**  
12 **mental health]**<sup>2</sup> services <sup>2</sup>**[shall be no less than 100 percent of the**  
13 **payment rate that applies to such services under part B of**  
14 **Medicare]**<sup>2</sup>. <sup>2</sup>The Commissioner of Human Services shall  
15 determine the amount of the increases as follows: The primary care  
16 services reimbursement rates associated with the most frequently  
17 used medical billing codes under Medicaid in calendar year 2022  
18 shall be increased so that each rate is no less than 100 percent of the  
19 payment rate that applies to the same service under part B of  
20 Medicare. The Commissioner of Human Services shall determine  
21 the number of primary care services rates increased under this  
22 subsection such that the annual aggregate amount of the rate  
23 increases is equal to \$20,000,000, as appropriated pursuant to  
24 section 4 of this act, combined with the anticipated receipt of  
25 increased federal Medicaid matching funds.<sup>2</sup>

26 b. Primary care services as used in subsection a. of this section  
27 shall include those services furnished by:

28 (1) a physician with a primary specialty designation of family  
29 medicine, general internal medicine, general pediatric medicine, or  
30 obstetrics and gynecology;

31 (2) a health care professional, including but not limited to an  
32 advance practice nurse or a physician assistant, who is working in  
33 the area of family medicine, general internal medicine, general  
34 pediatric medicine, or obstetrics and gynecology; or

35 (3) a <sup>1</sup>**[certified nurse-midwife]** midwife<sup>1</sup>.

36 c. <sup>2</sup>**[Mental health services as used in subsection a. of this**  
37 **section shall include those services furnished by a provider listed in**  
38 **paragraphs (1), (2), or (3) of subsection b. of this section or a health**  
39 **care provider with one of the following specialty designations:**  
40 **licensed clinical social worker, psychologist, licensed professional**  
41 **counselor, licensed marriage and family therapist, or psychiatrist.**

**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 June 23, 2022.

<sup>2</sup>Senate SBA committee amendments adopted June 27, 2023.

1 d.]<sup>2</sup> The provisions of this section shall not be construed to  
2 require any decrease in the Medicaid reimbursement rate for a  
3 primary care <sup>2</sup>[or mental health]<sup>2</sup> service from the previous fiscal  
4 year's reimbursement level for the same service.

5 <sup>2</sup>[e.] d.<sup>2</sup> The provisions of this section shall apply to primary  
6 care <sup>2</sup>[and mental health]<sup>2</sup> services:

7 (1) reimbursed under the Medicaid fee-for-service delivery  
8 system or through the Medicaid managed care delivery system, and

9 (2) delivered by an approved Medicaid provider.

10 <sup>2</sup>[f.] e.<sup>2</sup> No later than <sup>2</sup>[July 1, 2024] one year after the  
11 effective date of this act<sup>2</sup>, the Commissioner of Human Services  
12 shall submit a report to the Governor and to the Legislature,  
13 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), providing  
14 information on the implementation of this section, including data  
15 indicating any changes regarding access to primary care <sup>2</sup>[and  
16 mental health]<sup>2</sup> services, as well as <sup>1</sup>the<sup>1</sup> quality of care of these  
17 services, for Medicaid beneficiaries following <sup>2</sup>[any]<sup>2</sup> rate  
18 increases <sup>2</sup>[required] implemented<sup>2</sup> under this section. The report  
19 shall also include any recommendations for further enhancements to  
20 the Medicaid rates for these services to improve provider access and  
21 quality of care for Medicaid beneficiaries in underserved areas of  
22 the State.

23 g. As used in this section:

24 "Medicaid" means the program established pursuant to P.L.1968,  
25 c.413 (C.30:4D-1 et seq.).

26 "Medicare" means the federal program established pursuant to  
27 Pub.L.89-97 (42 U.S.C. s.1395 et seq.) as amended, or its successor  
28 plan or plans.

29 <sup>2</sup>["Mental health services" means procedures or services  
30 rendered by a health care provider, in a traditional setting as well in  
31 an integrated behavioral health setting or via a collaborative care  
32 program, for the treatment of mental illness, emotional disorders, or  
33 drug or alcohol abuse.]<sup>2</sup>

34 <sup>1</sup>["Midwife" means a midwife licensed by the State Board of  
35 Medical Examiners as a certified midwife, a certified nurse  
36 midwife, or a certified professional midwife.]<sup>1</sup>

37 "Primary care services" means the same as defined in section  
38 1202 of the federal "Health Care and Education Reconciliation Act  
39 of 2010," Pub.L. 111-152.

40  
41 2. 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.

1       3. The Commissioner of Human Services, pursuant to the  
2 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-  
3 1 et seq.), shall adopt rules and regulations necessary to implement  
4 the provisions of this act.

5

6       <sup>2</sup>4. There is appropriated from the General Fund to the  
7 Department of Human Services the sum of \$20,000,000 to  
8 effectuate the provisions of this act.<sup>2</sup>

9

10       <sup>2</sup>**[4.]** 5.<sup>2</sup> This act shall take effect immediately.