

[First Reprint]

**SENATE, No. 3495**

---

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

---

INTRODUCED JANUARY 19, 2023

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator GORDON M. JOHNSON**

**District 37 (Bergen)**

**Co-Sponsored by:**

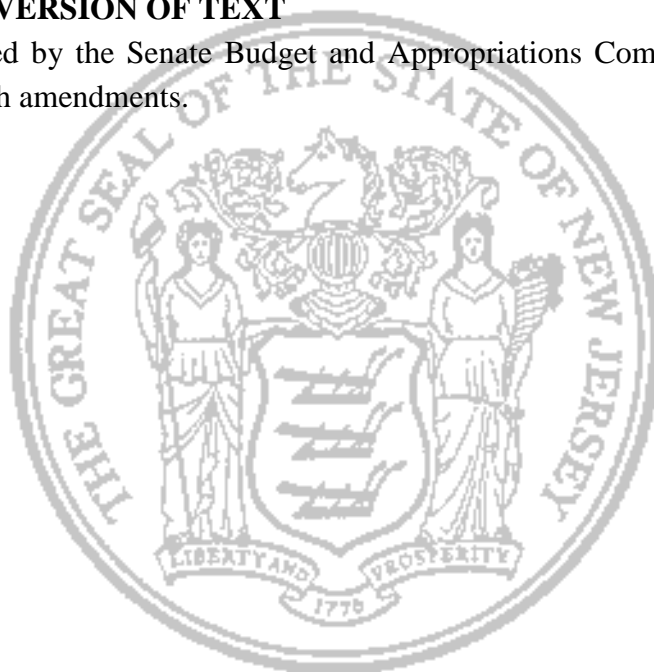
**Senators Gill, Diegnan, Singer, Stanfield, Thompson, Turner and Ruiz**

**SYNOPSIS**

Provides for presumptive eligibility for home and community-based services, nursing home services, and services provided through program of all-inclusive care for the elderly under Medicaid.

**CURRENT VERSION OF TEXT**

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



**(Sponsorship Updated As Of: 5/11/2023)**

1 AN ACT concerning presumptive eligibility for Medicaid home and  
 2 community-based services <sup>1</sup>, nursing home services, and services  
 3 provided through programs of all-inclusive care for the elderly.<sup>1</sup>  
 4 and supplementing Title 30 of the Revised Statutes.

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

8  
 9 1. a. The Department of Human Services shall provide for the  
 10 presumptive eligibility for home and community-based services <sup>1</sup>,  
 11 nursing home services, and services provided through PACE<sup>1</sup> under  
 12 Medicaid for an individual who is: seeking home and community-  
 13 based services <sup>1</sup>, nursing home services, or PACE enrollment<sup>1</sup> ;  
 14 awaiting an eligibility determination for Medicaid and any applicable  
 15 Medicaid waiver program offering home and community-based  
 16 services <sup>1</sup>, nursing home services, or services provided through PACE<sup>1</sup>  
 17 ; and likely to be financially and clinically eligible for Medicaid and  
 18 any applicable Medicaid waiver program offering home and  
 19 community-based services <sup>1</sup>, nursing home services, or services  
 20 provided through PACE<sup>1</sup> , as determined by the department.

21 b. The department shall provide Medicaid coverage for eligible  
 22 home and community-based services <sup>1</sup>, nursing home services, or  
 23 services provided through PACE<sup>1</sup> to an individual who is granted  
 24 presumptive eligibility pursuant to this section. Coverage provided  
 25 under this subsection shall begin upon the receipt of an individual's  
 26 request for services, pursuant to subsection **1[c] c.**<sup>1</sup> of this section,  
 27 and shall be terminated if the individual is determined clinically or  
 28 financially ineligible for home and community-based services <sup>1</sup>,  
 29 nursing home services, or services provided through PACE<sup>1</sup> under  
 30 Medicaid during the eligibility determination process.

31 c. An individual seeking presumptive eligibility for home and  
 32 community-based services <sup>1</sup>, nursing home services, or services  
 33 provided through PACE<sup>1</sup> under Medicaid shall submit a request to the  
 34 department in a manner and form as determined by the commissioner.

35 d. An individual granted presumptive eligibility pursuant to this  
 36 section shall be required to submit a completed application for  
 37 Medicaid and any applicable Medicaid waiver program offering home  
 38 and community-based services <sup>1</sup>, nursing home services, or services  
 39 provided through PACE<sup>1</sup> no later than the end of the month following  
 40 the month in which presumptive eligibility is granted.

41 e. <sup>1</sup>A home and community-based services provider, nursing  
 42 home facility, or PACE center shall be reimbursed for all Medicaid-  
 43 eligible services rendered to an individual who has been granted  
 44 presumptive eligibility pursuant to this section, regardless of whether

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 SBA committee amendments adopted June 27, 2023.

1 the individual granted presumptive eligibility is determined clinically  
2 or financially ineligible for home and community-based services,  
3 nursing home services, or services provided through PACE under  
4 Medicaid during the eligibility determination process.

5 f.<sup>1</sup> The department shall provide each individual granted  
6 presumptive eligibility pursuant to this section a written notice  
7 explaining the terms and conditions of presumptive eligibility and the  
8 home and community-based services <sup>1</sup>, nursing home services, or  
9 services provided through PACE<sup>1</sup> the individual will be eligible to  
10 receive.

11 <sup>1</sup>[f.] g.<sup>1</sup> The commissioner shall apply for such State plan  
12 amendments or waivers as may be necessary to implement the  
13 provisions of this section and to secure federal financial participation  
14 for State Medicaid expenditures under the federal Medicaid program.

15 <sup>1</sup>[g.] h.<sup>1</sup> As used in this section:

16 “Commissioner” means the Commissioner of Human Services.

17 “Department” means Department of Human Services.

18 “Eligibility determination” means the administrative process by  
19 which the Division of Medical Assistance and Health Services in the  
20 Department of Human Services or a county welfare agency reviews a  
21 beneficiary’s income, financial resources, and circumstances relating  
22 to the beneficiary’s application for benefits received under Medicaid  
23 or any applicable Medicaid waiver program offering home and  
24 community-based services <sup>1</sup>, nursing home services, or services  
25 provided through PACE<sup>1</sup> .

26 “Medicaid” means the Medicaid program established pursuant to  
27 P.L.1968, c.413 (C.30:4D-1 et seq.).

28 <sup>1</sup>“PACE” means the program of all-inclusive care for the elderly as  
29 that term is defined in section 1 of P.L.1997, c.296 (C.26:2H-88).<sup>1</sup>

30  
31 2. The Commissioner of Human Services, in accordance with  
32 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-  
33 1 et seq.), shall adopt such rules and regulations as the  
34 commissioner deems necessary to carry out the provisions of this  
35 act.

36  
37 3. This act shall take effect immediately.