

[Second 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:**

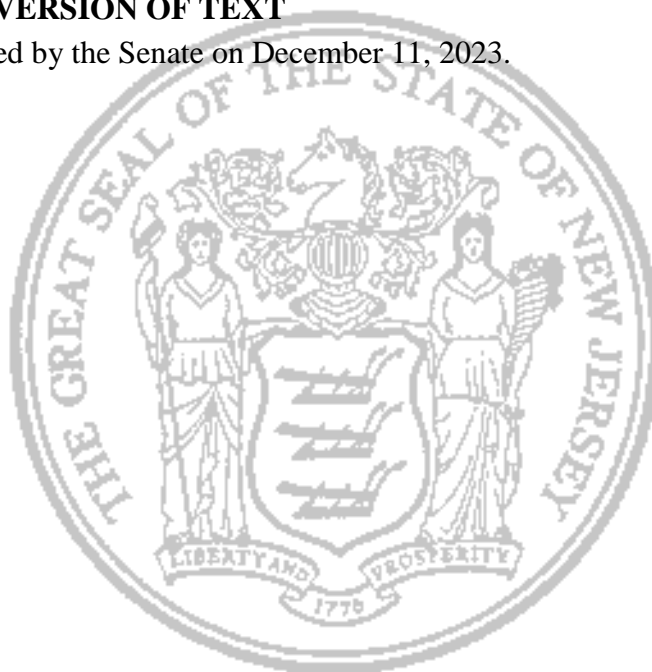
**Senators Gill, Diegnan, Singer, Stanfield, Thompson, Turner and Ruiz**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As amended by the Senate on December 11, 2023.



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

1 AN ACT concerning presumptive eligibility for Medicaid home and  
 2 community-based services <sup>2</sup>[<sup>1</sup>, nursing home services,]<sup>2</sup> and  
 3 services provided through programs of all-inclusive care for the  
 4 elderly,<sup>1</sup> 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>2</sup>[<sup>1</sup>,  
 11 nursing home services,]<sup>2</sup> and services provided through PACE<sup>1</sup> under  
 12 Medicaid for an individual who is: seeking home and community-  
 13 based services <sup>2</sup>[<sup>1</sup>, nursing home services,]<sup>2</sup> 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>2</sup>[<sup>1</sup>, nursing home services,]<sup>2</sup> or services provided through  
 17 PACE<sup>1</sup> ; and likely to be financially and clinically eligible for  
 18 Medicaid and any applicable Medicaid waiver program offering home  
 19 and community-based services <sup>2</sup>[<sup>1</sup>, nursing home services,]<sup>2</sup> or  
 20 services 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>2</sup>[<sup>1</sup>, nursing home services,]<sup>2</sup> 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 <sup>1</sup>[c] c.<sup>1</sup> of this section, and  
 27 shall be terminated if the individual is determined clinically or  
 28 financially ineligible for home and community-based services <sup>2</sup>[<sup>1</sup>,  
 29 nursing home services,]<sup>2</sup> 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>2</sup>[<sup>1</sup>, nursing home services,]<sup>2</sup> 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>2</sup>[<sup>1</sup>, nursing home services,]<sup>2</sup> or  
 39 services provided through PACE<sup>1</sup> no later than the end of the month  
 40 following the month in which presumptive eligibility is granted.

41 e. <sup>1</sup>A home and community-based services provider <sup>2</sup>[, nursing  
 42 home facility,]<sup>2</sup> or PACE center shall be reimbursed for all Medicaid-  
 43 eligible services rendered to an individual who has been granted

**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.

<sup>2</sup>Senate floor amendments adopted December 11, 2023.

1 presumptive eligibility pursuant to this section, regardless of whether  
2 the individual granted presumptive eligibility is determined clinically  
3 or financially ineligible for home and community-based services <sup>2</sup>**[**  
4 nursing home services,]<sup>2</sup> or services provided through PACE under  
5 Medicaid during the eligibility determination process.

6 f.<sup>1</sup> The department shall provide each individual granted  
7 presumptive eligibility pursuant to this section a written notice  
8 explaining the terms and conditions of presumptive eligibility and the  
9 home and community-based services <sup>2</sup>**[**<sup>1</sup> nursing home services,]<sup>2</sup> or  
10 services provided through PACE<sup>1</sup> the individual will be eligible to  
11 receive.

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

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

17 “Commissioner” means the Commissioner of Human Services.

18 “Department” means Department of Human Services.

19 “Eligibility determination” means the administrative process by  
20 which the Division of Medical Assistance and Health Services in the  
21 Department of Human Services or a county welfare agency reviews a  
22 beneficiary’s income, financial resources, and circumstances relating  
23 to the beneficiary’s application for benefits received under Medicaid  
24 or any applicable Medicaid waiver program offering home and  
25 community-based services <sup>2</sup>**[**<sup>1</sup> nursing home services,]<sup>2</sup> or services  
26 provided through PACE<sup>1</sup> .

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

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

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

37  
38 3. This act shall take effect <sup>2</sup>**[immediately]** on the first day of the  
39 18th month next following enactment, except that the Commissioner of  
40 Human Services may take any anticipatory administrative action in  
41 advance as shall be necessary for the implementation of this act<sup>2</sup> .