

[Second Reprint]

SENATE, No. 3626

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED FEBRUARY 23, 2023

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator TROY SINGLETON

District 7 (Burlington)

Co-Sponsored by:

Senators Singer, Diegnan, Durr and O'Scanlon

SYNOPSIS

Establishes "Hospital at Home Act."

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on June 20, 2023, with amendments.



(Sponsorship Updated As Of: 6/26/2023)

1 AN ACT concerning acute hospital care and supplementing Title 26
2 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. This act shall be known and may be cited as the "Hospital at
8 Home Act."

9
10 2. As used in this act:

11 "Carrier," "covered person," and "health benefits plan," shall have
12 the same meaning as provided for those terms under section 2 of
13 P.L.1997, c.192 (C.26:2S-2).

14 "Department" means the Department of Health.

15 ²"Federal acute Hospital Care at Home Program" or "federal
16 program" means the program established by the federal Centers for
17 Medicare and Medicaid Services under 42 U.S.C. Section 1320b-5 and
18 extended by 42 U.S.C 1395cc-7, or any successor program established
19 by an act of Congress or the federal Centers for Medicare and
20 Medicaid Services.²

21 "Hospital" means ¹[a general] an¹ acute care hospital licensed
22 pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.).

23 ²["Program"] "State program"² means the hospital at home
24 program established by the department pursuant to section 3 of this
25 act.

26
27 3. a. Notwithstanding any provision of law to the contrary, the
28 department shall establish a ²State² program to permit a hospital to
29 provide acute care services to ¹[a covered person] an individual¹
30 outside of the hospital's licensed facility and within a private residence
31 designated by the ¹[covered person] individual¹. The program shall
32 be established in a manner that is consistent with the provisions of the
33 ²federal² Acute Hospital Care at Home Program, ²[as authorized by
34 the federal Centers for Medicare and Medicaid Services] and shall
35 remain in effect for such time as the federal Acute Hospital Care at
36 Home Program remains in effect².

37 b. Any hospital ²[previously in receipt of] issued² a waiver to
38 operate, or otherwise approved to participate in ^{2, 2}the ²[Centers for
39 Medicare and Medicaid Services's] federal² Acute Hospital Care at
40 Home Program ²[prior to the effective date of this act,]² shall be
41 permitted to operate or to continue to operate ²under² the ²federal²
42 program in the same manner as ²[previously] is² permitted under

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 May 11, 2023.

²Senate SBA committee amendments adopted June 20, 2023.

1 ²the² federal ²**law** program² , and shall be integrated into the ²State²
2 program established pursuant to this section.

3
4 4. The NJ FamilyCare and Medicaid programs, and any carrier
5 that offers a health benefits plan in this State, shall provide coverage
6 ¹**and payment**¹ for acute hospital care services delivered ¹by a
7 credentialed health care provider¹ to a covered person through the
8 program established pursuant to section 3 of this act, on the same basis
9 as when services are delivered within the facilities of a hospital.
10 Reimbursement payments under this section shall be provided to the
11 hospital, facility, or organization providing the services or the
12 individual practitioner who delivered the reimbursable services, or to
13 the agency, facility, or organization that employs or contracts with the
14 individual practitioner who delivered the reimbursable services, as
15 appropriate. Carriers shall not utilize more stringent utilization
16 management criteria than apply when those services are provided
17 within the facilities of a hospital.

18
19 5. The Commissioner of Human Services shall apply for any
20 State plan amendments or waivers as may be necessary to
21 implement the provisions of this act and to secure federal financial
22 participation for State Medicaid expenditures under the federal
23 Medicaid program.

24
25 6. The Commissioners of Health and Human Services shall
26 jointly or separately adopt rules and regulations, in accordance with
27 the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1
28 et seq.), if necessary to effectuate the provisions of this act. The
29 Commissioners of Health and Human Services shall jointly or
30 separately waive any rules or regulations if necessary to implement
31 the provisions of this act.

32
33 7. This act shall take effect ²**immediately** on the 120th day next
34 following enactment² .