[Third 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 amended by the Senate on June 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**<u>"Federal acute Hospital Care at Home Program" or "federal</u>
16   <u>program" means the program established by the federal Centers for</u>
17   <u>Medicare and Medicaid Services under 42 U.S.C. Section 1320b-5 and</u>
18   <u>extended by 42 U.S.C 1395cc-7, or any successor program established</u>
19   <u>by an act of Congress or the federal Centers for Medicare and</u>
20   <u>Medicaid Services.</u>**²**
21   "Hospital" means **¹**[a general] <u>an</u>**¹** acute care hospital licensed
22   pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.).
23   **²**["Program"] <u>"State program"</u>**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 **²**<u>State</u>**²** program to permit a hospital to
29   provide acute care services to **¹**[a covered person] <u>an individual</u>**¹**
30   outside of the hospital's licensed facility and within a private residence
31   designated by the **¹**[covered person] <u>individual</u>**¹**. The program shall
32   be established in a manner that is consistent with the provisions of the
33   **²**<u>federal</u>**²** Acute Hospital Care at Home Program, **²**[as authorized by
34   the federal Centers for Medicare and Medicaid Services] <u>and shall</u>
35   <u>remain in effect for such time as the federal Acute Hospital Care at</u>
36   <u>Home Program remains in effect</u>**²** .
37   b.   Any hospital **²**[previously in receipt of] <u>issued</u>**²** a waiver to
38   operate, or otherwise approved to participate in **²,²** the **²**[Centers for
39   Medicare and Medicaid Services's] <u>federal</u>**²** Acute Hospital Care at
40   Home Program **²**[prior to the effective date of this act,]**²** shall be
41   permitted to operate **³**[or to continue to operate]**³** **²**<u>under</u>**²** the **²**<u>federal</u>**²**
42   program **³**[in the same manner as]**³** **²**[previously] **³**[is**²**] <u>to the</u>
43   <u>extent</u>**³** permitted under **²**<u>the</u>**²** federal **²**[law] <u>program</u>**²** **³**[, and shall be
44   integrated into the **²**<u>State</u>**²** program established pursuant to this
45   section] <u>for such time as the federal program remains in effect</u>**³** .

1
2   4. The NJ FamilyCare and Medicaid programs, and any carrier
3   that offers a health benefits plan in this State, shall provide coverage
4   **[**[and payment**]**[1] for acute hospital care services delivered **[**[1]by a
5   credentialed health care provider[1]**]**[3] to a covered person through the
6   program established pursuant to section 3 of this act, on the same basis
7   as when services are delivered within the facilities of a hospital.
8   Reimbursement payments under this section shall be [3]established
9   pursuant to the contract between the carrier and the hospital and shall
10 be[3] provided to the hospital, facility, or organization providing the
11 services or the individual practitioner who delivered the reimbursable
12 services, or to the agency, facility, or organization that employs or
13 contracts with the individual practitioner who delivered the
14 reimbursable services, as appropriate. Carriers shall not utilize more
15 stringent utilization management criteria than apply when those
16 services are provided within the facilities of a hospital.
17
18   [3]5. Licensed health care providers providing acute care services to
19 a covered person outside the hospital's licensed space and within a
20 private residence designated by the covered person shall be
21 credentialed by a carrier as a condition of the services being deemed to
22 be network services.[3]
23
24   **[**[3][5.**]** 6.[3]   The Commissioner of Human Services shall apply for
25 any State plan amendments or waivers as may be necessary to
26 implement the provisions of this act and to secure federal financial
27 participation for State Medicaid expenditures under the federal
28 Medicaid program.
29
30   **[**[3][6.**]** 7.[3]   The Commissioners of Health and Human Services
31 shall jointly or separately adopt rules and regulations, in accordance
32 with the "Administrative Procedure Act," P.L.1968, c.410
33 (C.52:14B-1 et seq.), if necessary to effectuate the provisions of this
34 act.   The Commissioners of Health and Human Services shall
35 jointly or separately waive any rules or regulations if necessary to
36 implement the provisions of this act.
37
38   **[**[3][7.**]** 8.[3]   This act shall take effect **[**[2]immediately**]** on the 120th
39 day next following enactment[2] .