

**SENATE, No. 3438**

**STATE OF NEW JERSEY**

**221st LEGISLATURE**

INTRODUCED JUNE 13, 2024

**Sponsored by:**

**Senator RENEE C. BURGESS**

**District 28 (Essex and Union)**

**Senator ANTHONY M. BUCCO**

**District 25 (Morris and Passaic)**

**SYNOPSIS**

Requires Medicaid coverage for motorized wheelchairs for nursing facility residents under certain circumstances.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/24/2024)**

1 AN ACT concerning Medicaid coverage and nursing facility  
2 residents and supplementing Title 30 of the Revised Statutes.

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

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7 1. a. As used in this section:

8 "Division" mean the Division of Medical Assistance and Health  
9 Services in the Department of Human Services.

10 "NJ FamilyCare" means the program established pursuant to  
11 P.L.2005, c.156 (C.30:4J-8 et al.), which includes the State's  
12 Medicaid Program and the Children's Health Insurance Program.

13 "Nursing facility" means a long-term care facility licensed  
14 pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), which has been  
15 approved by the Department of Human Services to provide care to  
16 NJ FamilyCare beneficiaries who require conventional nursing  
17 facility services.

18 "Managed care organization" means a managed care  
19 organization contracted with the division to provide benefits under  
20 the Medicaid program to an enrollee."

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

23 b. Notwithstanding the provisions of any State law, rule, or  
24 regulation to the contrary, the Medicaid program and the NJ  
25 FamilyCare program shall provide coverage for a motorized  
26 wheelchair for an enrollee residing in a nursing facility under the  
27 following conditions:

28 (1) the enrollee is prescribed the motorized wheelchair by the  
29 enrollee's licensed physician or primary healthcare provider; and

30 (2) the enrollee received prior authorization for the motorized  
31 wheelchair from the enrollee's managed care organization.

32 c. An enrollee who satisfies the criteria set forth in subsection b.  
33 of this section shall be granted a possessory interest for the  
34 motorized wheelchair for as long as the enrollee requires use of the  
35 equipment. When the enrollee no longer needs such equipment,  
36 possession and control shall revert to the division. The nursing  
37 facility shall notify the enrollee's managed care organization in  
38 writing when such equipment is no longer in use.

39 d. The Commissioner of Human Services shall apply for such  
40 State plan amendments or waivers as may be necessary to  
41 implement the provisions of this act and to secure federal financial  
42 participation for State Medicaid expenditures under the federal  
43 Medicaid program.

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

1       3. This act shall take effect on the first day of the fourth month  
2 next following the date of enactment, but the Commissioner of  
3 Human Services may take such anticipatory administrative action in  
4 advance thereof as may be necessary for the implementation of this  
5 act.

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STATEMENT

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10       This bill provides Medicaid coverage for motorized wheelchairs  
11 for nursing facility residents under certain circumstances. The bill  
12 requires the Medicaid program and the NJ FamilyCare program to  
13 provide coverage for a motorized wheelchair for an enrollee  
14 residing in a nursing facility under the following conditions: (1) the  
15 enrollee is prescribed the motorized wheelchair by the enrollee's  
16 licensed physician or primary healthcare provider; and (2) the  
17 enrollee received prior authorization for the motorized wheelchair  
18 from the enrollee's managed care organization.

19       Under the bill, the enrollee will be granted a possessory interest  
20 for the motorized wheelchair for as long as the enrollee requires use  
21 of the equipment. When the enrollee no longer needs such  
22 equipment, possession and control will revert to the division. The  
23 nursing facility will notify the enrollee's managed care organization  
24 in writing when such equipment is no longer in use.

25       The Commissioner of Human Services will apply for such State  
26 plan amendments or waivers as may be necessary to implement the  
27 provisions of this bill and to secure federal financial participation  
28 for State Medicaid expenditures under the federal Medicaid  
29 program.