

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 3110

STATE OF NEW JERSEY

DATED: JUNE 23, 2022

The Assembly Appropriations Committee reports favorably Assembly Bill No. 3110 (1R).

This bill establishes minimum Medicaid reimbursement rates for brain injury services. Under this bill, the term “brain injury” includes both a traumatic brain injury and a non-traumatic brain injury. “Traumatic brain injury” means an injury to the brain caused by a blow or jolt to the head or a penetrating head injury or neuro-trauma that disrupts the normal brain function, where continued impairment can be demonstrated. “Non-traumatic brain injury” means an injury to the brain caused by internal factors, such as stroke, aneurysm, tumor, infectious disease, or anoxia, where continued impairment can be demonstrated. Neither term includes brain dysfunction caused by congenital or degenerative disorders, birth trauma, or injuries caused by other circumstances. Brain injury services include community-based services, residential services, day care services, and home care services, regardless of whether the services are provided through the Medicaid fee-for-service delivery system or the managed care delivery system.

Specifically, the bill requires that the Medicaid per diem or encounter reimbursement rates for eligible brain injury services, when such services are provided by an approved brain injury services provider to a Medicaid beneficiary requiring treatment for a brain injury, are to be, at minimum, as follows:

(1) The reimbursement rate for Community Residential Services – Low Supervision provided to a Medicaid beneficiary eligible for brain injury services, currently at \$140 a day, is to be equal to the reimbursement rate for Individuals Supports Services Tier - C provided to a Medicaid beneficiary eligible for services provided by the Division of Developmental Disabilities in the Department of Human Services (DHS), currently at \$283.20 per day;

(2) The reimbursement rate for Community Residential Services – Moderate Supervision provided to a Medicaid beneficiary eligible for brain injury services, currently at \$190 a day, is to be equal to the reimbursement rate for Individuals Supports Services Tier - D provided to a Medicaid beneficiary eligible for services provided by

the Division of Developmental Disabilities in the DHS, currently at \$396.48 a day;

(3) The reimbursement rate for Community Residential Services – High Supervision provided to a Medicaid beneficiary eligible for brain injury services, currently at \$220 a day, is to be equal to the reimbursement rate for Individuals Supports Services - Tier E provided to a Medicaid beneficiary eligible for services provided by the Division of Developmental Disabilities in the DHS, currently at \$509.96 a day; and

(4) The reimbursement rate for Structured Day Program Services provided to a Medicaid beneficiary eligible for brain injury services, currently at \$3.65 for every 15 minutes of services, is to be equal to the reimbursement rate for Day Habilitation Services - Tier D provided to a Medicaid beneficiary eligible for services provided by the Division of Developmental Disabilities in the DHS, currently at \$6.91 for every 15 minutes of service.

FISCAL IMPACT:

The Office of Legislative Services (OLS) concludes that the DHS will incur between \$16.8 million and \$20.5 million in additional annual Medicaid expenditures in order to increase the reimbursement rates for brain injury services. As eligible Medicaid expenditures are reimbursed 50 percent by federal funds, this bill will also increase annual State revenue between \$8.4 million and \$10.3 million.