

ASSEMBLY HEALTH COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3585

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 14, 2022

The Assembly Health Committee reports favorably and with committee amendments Assembly Bill No. 3585.

As amended by the committee, this bill requires the Division of Medical Assistance and Health Services (DMAHS) in the Department of Human Services (DHS) to establish a program under which a family member of an enrollee in Medicaid or NJ FamilyCare or a third-party individual approved by the enrollee's parent or guardian may be certified as a homemaker-home health aide (HHA) and, under the direction of a registered nurse, provide HHA services to the enrollee through a private duty nursing agency, which services will be subject to an enhanced reimbursement rate. The program established under the bill will apply to enrollees who are under 21 years of age and qualify for private duty nursing services under Medicaid or NJ FamilyCare. The DMAHS will be required to develop an assessment tool that will allow the DMAHS to readily identify enrollees who meet these eligibility criteria.

Under the program, the family member or approved third-party individual will be required to complete all the training, testing, and other qualification criteria as are required under State and federal law for certification as an HHA. The private duty nursing services agency that will employ the family member or approved third-party individual will be required to pay all costs for the family member or approved third-party individual to become certified as an HHA. In no case will the family member or approved third-party individual be required to repay or reimburse the agency for the costs of becoming an HHA.

The tasks delegated by a registered nurse to a family member or approved third-party individual who becomes certified as an HHA under the bill are to be consistent with the tasks that may be generally delegated to HHAs pursuant to the rules of the New Jersey Board of Nursing.

Homemaker-home health aide services provided by a family member of a Medicaid or NJ FamilyCare enrollee or an approved third-party individual who becomes certified as an HHA under the program will be reimbursed to a private duty nursing agency at a rate of no less than \$30 per hour for such time as the enrollee is under 21 years of age.

The DMAHS will be required to establish the program within nine months after the effective date of the bill and after receipt of federal approval for the program. The DHS will be required to apply for State plan amendments and waivers as are necessary to implement the provisions of the bill and to secure federal financial participation for State Medicaid expenditures under the federal Medicaid program.

No later than three years after the program is established, the DMAHS will be required to prepare and submit a report to the Governor and the Legislature concerning the viability of the program and its recommendations related to the program.

COMMITTEE AMENDMENTS:

The committee amendments revise the bill to authorize family members and approved third-party individuals to become certified as homemaker-home health aides (HHAs) and provide HHA services to certain Medicaid and NJ FamilyCare enrollees under 21 years of age. As introduced, the bill established a program for the certification of certified nursing assistants (CNAs). The amendments revise the title and synopsis of the bill to reflect this change.