

CHAPTER 163

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

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

C.26:2H-163 Short title.

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

C.26:2H-164 Definitions.

2. As used in this act:

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

“Department” means the Department of Health.

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

“Hospital” means an acute care hospital licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.).

“State program” means the hospital at home program established by the department pursuant to section 3 of this act.

C.26:2H-165 Hospital at Home, hospital, permitted, acute care services, Department of Health.

3. a. Notwithstanding any provision of law to the contrary, the department shall establish a State program to permit a hospital to provide acute care services to an individual outside of the hospital’s licensed facility and within a private residence designated by the individual. The program shall be established in a manner that is consistent with the provisions of the federal Acute Hospital Care at Home Program and shall remain in effect for such time as the federal Acute Hospital Care at Home Program remains in effect.

b. Any hospital issued a waiver to operate, or otherwise approved to participate in, the federal Acute Hospital Care at Home Program shall be permitted to operate under the federal program to the extent permitted under the federal program for such time as the federal program remains in effect.

C.26:2H-166 NJ FamilyCare, Medicaid, coverage, acute hospital care services, same basis as within hospital.

4. The NJ FamilyCare and Medicaid programs, and any carrier that offers a health benefits plan in this State, shall provide coverage for acute hospital care services delivered to a covered person through the program established pursuant to section 3 of this act, on the same basis as when services are delivered within the facilities of a hospital. Reimbursement payments under this section shall be established pursuant to the contract between the carrier and the hospital and shall be provided to the hospital, facility, or organization providing the services or the individual practitioner who delivered the reimbursable services, or to the agency, facility, or organization that employs or contracts with the individual practitioner who delivered the reimbursable services, as appropriate. Carriers shall not utilize more stringent utilization management criteria than apply when those services are provided within the facilities of a hospital.

C.26:2H-167 Acute care services, person outside hospital, private residence, carrier credentialed.

5. Licensed health care providers providing acute care services to a covered person outside the hospital's licensed space and within a private residence designated by the covered person shall be credentialed by a carrier as a condition of the services being deemed to be network services.

C.26:2H-168 Commissioner, Human Services, State plan amendments, waivers, implementation.

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

C.26:2H-169 Rules, regulations, Commissioners, Health, Human Services.

7. The Commissioners of Health and Human Services shall jointly or separately adopt rules and regulations, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), if necessary to effectuate the provisions of this act. The Commissioners of Health and Human Services shall jointly or separately waive any rules or regulations if necessary to implement the provisions of this act.

8. This act shall take effect on the 120th day next following enactment.

Approved September 25, 2023.