

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 2049

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 27, 2022

The Senate Budget and Appropriations Committee reports favorably and with committee amendments Senate Bill No. 2049 (1R).

As amended by the committee, 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 B provided to a Medicaid beneficiary eligible for services provided by the Division of Developmental Disabilities in the Department of Human Services (DHS), currently at \$169.92 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 C

provided to a Medicaid beneficiary eligible for services provided by the Division of Developmental Disabilities in the DHS, currently at \$283.20 a day; and

(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 average of the reimbursement rates for Individuals Supports Services – Tiers D and E provided to a Medicaid beneficiary eligible for services provided by the Division of Developmental Disabilities in the DHS, currently at \$453.12 a day.

The bill will take effect 30 days after the date of enactment and will apply to services provided on or after the effective date of the bill and to any Medicaid managed care contract executed or renewed on or after the effective date of the bill.

COMMITTEE AMENDMENTS:

The committee amendments remove a provision of the bill that required the Medicaid reimbursement rate for Structured Day Program Services provided to a Medicaid beneficiary eligible for brain injury services be equal to the reimbursement rate for Day Habilitation Services – Tier D, as provided by the Division of Developmental Disabilities.

The committee amendments adjust the Division of Developmental Disability Individual Supports Services tiers used to establish the minimum Medicaid reimbursement rates for Community Residential Services provided to a Medicaid beneficiary eligible for brain injury services. In effect, these amendments establish lower minimum reimbursement rates for brain injury services than those established in the bill as introduced.

The committee amendments revise the effective date to occur 30 days after the date of enactment, rather than on July 1 next following the date of enactment.

FISCAL IMPACT:

No fiscal information is available on this bill.