

ASSEMBLY, No. 2423

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

Sponsored by:

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

SYNOPSIS

Authorizes payment for services rendered in excess of 40 hours per week under agency with choice self-directed employee model within self-directed services program.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the self-directed services program and
2 supplementing P.L.2008, c.128 (C.30:6D-12.1 et seq.).
3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:
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7 1. A fiscal intermediary contracted with the Department of
8 Human Services to provide administrative and payroll support for
9 individuals who receive services via the agency with choice self-
10 directed employee model within the self-directed services program,
11 as established pursuant to P.L.2008, c.128 (C.30:6D-12.1 et seq.),
12 shall be authorized to pay a self-directed employee for services
13 provided in excess of 40 hours per week, provided that:

14 a. the self-directed employee has been hired by the fiscal
15 intermediary to provide self-directed services to the individual or
16 individuals who received the services;

17 b. the services rendered are approved and authorized in each
18 individual's individualized service plan;

19 c. the payment for services is aligned with the authorized service
20 hours set within each individual's weekly budget; and

21 d. each individual who received the services, or the individual's
22 family or guardian, can demonstrate that the payment for services is
23 supported by the individual's annual budget.

24 A fiscal intermediary shall pay a self-directed employee for
25 services provided in excess of 40 hours per week at the employee's
26 regular rate and in accordance with federal and State law.
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28 2. This act shall take effect immediately.
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31 STATEMENT

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33 This bill authorizes the payment for services rendered in excess
34 of 40 hours per week under the agency with choice (AWC) self-
35 directed employee model within the self-directed services program.

36 Specifically, the bill authorizes a fiscal intermediary contracted
37 with the Department of Human Services to provide administrative
38 and payroll support for individuals who receive services via the
39 AWC self-directed employee model within the self-directed
40 services program to pay a self-directed employee (SDE) for services
41 provided in excess of 40 hours per week, provided that:

42 1) the SDE has been hired by the fiscal intermediary to provide
43 self-directed services to the individual or individuals who received
44 the services;

45 2) the services rendered are approved and authorized in each
46 individual's individualized service plan (ISP);

47 3) the payment for services is aligned with the authorized service
48 hours set within each individual's weekly budget; and

1 4) each individual who received services, or the individual's
2 family or guardian, can demonstrate that the payment for services is
3 supported by the individual's annual budget.

4 A fiscal intermediary is required to pay a SDE for services
5 provided in excess of 40 hours per week at the employee's regular
6 rate and in accordance with federal and State law.

7 Easter Seals of New Jersey currently manages the AWC self-
8 directed employee model within the self-directed services program
9 in the Department of Human Services. The self-directed services
10 program provides funding to individuals with developmental
11 disabilities who are living in their own home, in the home of a
12 family member or guardian, or in another similar living situation, or
13 to their fiduciaries, for the purposes of supporting the needs of the
14 individual with a developmental disability by allowing the
15 individual, or the individual's family or guardian, or both, to
16 determine the nature and scope of services to be provided in lieu of
17 the department placing the person with a developmental disability
18 in a residential program. Under this model, Easter Seals manages
19 the individuals' budgets, hires the SDE to provide services to the
20 individual, is the employer of record, and pays all taxes and wages
21 for the SDE.

22 Currently, a SDE, under any circumstance, cannot work more
23 than 40 hours per week for the employer of record, even if the
24 services are provided to multiple individuals. It is the sponsor's
25 goal to allow for overtime compensation of AWC SDEs for services
26 provided within the scope of the recipient's ISP and budget.