

ASSEMBLY, No. 2664

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblywoman SHANIQUE SPEIGHT

District 29 (Essex)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Co-Sponsored by:

Assemblymen Danielsen, Holley and Benson

SYNOPSIS

Establishes commission to study impact of certain Medicaid reimbursement rate change on nursing homes.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/16/2020)

1 AN ACT establishing a commission to study the effects of P.L.2017,
2 c.239 (C.30:4D-7n through 7o) on nursing homes in the State.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. a. There is established a study commission to be known as
8 the "Impact of Medicaid Personal Care Services Reimbursement
9 Change on Nursing Homes Study Commission." The purpose of
10 the study commission shall be to analyze the effects of the
11 adjustment to the Medicaid hourly reimbursement rate for personal
12 care services within the Medicaid program resulting from the
13 enactment of P.L.2017, c.239 (C.30:4D-7n and 30:4D-7o), as
14 amended by P.L.2019, c.275, and any corresponding appropriations,
15 on nursing homes in the State. Specifically, the commission shall
16 analyze the effects of the increase in the hourly reimbursement rate
17 on the operations, ability to comply with any minimum staffing
18 requirements, employee retention, financial health, resident costs,
19 and related issues on nursing homes in the State, including whether
20 any nursing homes closed following the effective date of P.L.2017,
21 c.239 or the enactment of P.L.2019, c.275, and the reasons therefor.
22 The commission shall also review the source of State funds used to
23 support the rate increase, and determine, where possible, any
24 reduction in funding of other State budget items that may have
25 resulted from the necessity of funding the rate increase. To this end,
26 the commission shall solicit data or information from nursing
27 homes in the State or other entities, as necessary to carry out its
28 duties hereunder.

29 b. The Impact of Medicaid Personal Care Services
30 Reimbursement Change on Nursing Homes Study Commission shall
31 consist of nine members as follows:

32 (1) the Commissioners of Human Services and Health, or their
33 designees;

34 (2) five members of the public with significant operational,
35 financial, or managerial expertise in the nursing home industry,
36 three of whom shall be representatives of entities currently
37 operating one or more nursing homes in the State, to be appointed
38 as follows:

39 (a) two members shall be appointed by the Speaker of the
40 General Assembly;

41 (b) two members shall be appointed by the Minority Leader of
42 the Senate; and

43 (c) one member shall be appointed by the Governor;

44 (3) one member of the public with expertise in State Medicaid
45 policy and healthcare finance who shall be appointed by the
46 Minority Leader of the General Assembly; and

1 (4) one member of the public with expertise in State fiscal and
2 budgetary matters, who shall be appointed by the President of the
3 Senate.

4 c. The study commission shall organize as soon as practicable
5 after the appointment of its members. Upon its organization, the
6 study commission shall select a chairperson from among its
7 members. The chairperson shall appoint a secretary who need not
8 be a member of the commission. The study commission may meet
9 and hold meetings at the times and places as shall be designated by
10 the chair. A majority of the authorized members shall constitute a
11 quorum for the purpose of conducting official commission business.
12 Vacancies shall be filled in the same manner as the original
13 appointments were made. The members shall serve without
14 compensation, but shall be eligible for reimbursement for necessary
15 and reasonable expenses incurred in the performance of their duties
16 on the commission, within the limits of funds appropriated or
17 otherwise made available to the study commission for its purposes.

18 d. The study commission is entitled to receive assistance and
19 services from any State, county, or municipal department, board,
20 commission, or agency, as may be available to it for its purposes.
21 The Department of Human Services shall provide staff and
22 administrative support to the commission.

23 e. Not later than 12 months after the initial meeting of the
24 study commission, it shall prepare and submit a written report to the
25 Governor, and to the Legislature pursuant to section 2 of P.L.1991,
26 c.164 (C.52:14-19.1), presenting its analysis of the effect of the
27 enactment of P.L.2017, c.239 (C.30:4D-7n through 30:4D-7o), as
28 amended by P.L.2019, c.275, on nursing homes in the State, as well
29 as any recommendations for legislation or other action as the
30 commission deems appropriate. The study commission shall expire
31 on the first day of the third month next following submission of its
32 written report to the Governor and the Legislature, as required by
33 this subsection.

34
35 2. This act shall take effect immediately upon enactment and
36 shall expire on the first day of the third month next following
37 submission of the study commission report.

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40 STATEMENT

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42 This bill establishes the “Impact of Medicaid Personal Care
43 Services Reimbursement Change on Nursing Homes Study
44 Commission,” to analyze the effects of the adjustment to the
45 Medicaid hourly reimbursement rate for personal care services
46 within the Medicaid program, resulting from the enactment of
47 P.L.2017, c.239 (C.30:4D-7n and 30:4D-7o), as well as the
48 revisions to that law adopted pursuant to P.L.2019, c.275 and any

1 corresponding appropriations, on nursing homes in the State.
2 Specifically, the commission is to analyze the effects of the increase
3 in the hourly reimbursement rate on the operations, ability to
4 comply with any minimum staffing requirements, employee
5 retention, financial health, resident costs, and related issues on
6 nursing homes in the State, including whether any nursing homes
7 closed following the effective date of P.L.2017, c.239 or the
8 enactment of P.L.2019, c.275 and the reasons for any closures. The
9 bill requires that the commission solicit data or information from
10 nursing homes in the State or other entities, as is necessary to carry
11 out its duties.

12 The study commission is to consist of nine members as follows:
13 the Commissioners of Human Services and Health, or their
14 designees; one member of the public with expertise in State
15 Medicaid policy and healthcare finance, who will be appointed by
16 the Minority Leader of the General Assembly; one member of the
17 public with expertise in State fiscal and budgetary matters, who will
18 be appointed by the President of the Senate; and five members of
19 the public with significant operational, financial, or managerial
20 expertise in the nursing home industry, three of whom are to be
21 representatives of entities currently operating one or more nursing
22 homes in the State, two of whom will be appointed by the Speaker
23 of the General Assembly, two of whom will be appointed by the
24 Minority Leader of the Senate, and one of whom will be appointed
25 by the Governor;

26 The bill requires that the study commission prepare and submit a
27 written report to the Governor and the Legislature not later than 12
28 months after its initial meeting. The report is to present the
29 commission's analysis of the effect of the enactment of P.L.2017,
30 c.239 (C.30:4D-7n through 30:4D-7o), as amended by P.L.2019,
31 c.275, on nursing homes in the State, as well as any
32 recommendations for legislation or other action the commissioner
33 deems appropriate. The bill provides that the study commission is to
34 expire on the first day of the third month following submission of
35 its written report to the Governor and the Legislature.