

SENATE, No. 1038

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JANUARY 30, 2020

Sponsored by:

Senator VIN GOPAL

District 11 (Monmouth)

SYNOPSIS

Increases hourly limit of reimbursable personal care assistant services under NJ WorkAbility Program.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the NJ WorkAbility Program and
2 supplementing Title 30 of the Revised Statutes.

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

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7 1. Services provided to employed, permanently-disabled
8 individuals through the NJ WorkAbility Program, established
9 pursuant to P.L.2000, c.116, and in accordance with the federal
10 "Ticket to Work and Work Incentives Improvement Act of 1999,"
11 Pub.L.106-170, shall be provided by health maintenance
12 organizations and fee-for-service providers that have executed a
13 contract with the Division of Medical Assistance and Health
14 Services in the Department of Human Services to provide benefits
15 through the State Medicaid program, established pursuant to
16 P.L.1968, c.413 (C.30:4D-1 et seq.), except that reimbursable
17 personal care assistant services shall be limited to a maximum of
18 112 hours per calendar work week.

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20 2. The Commissioner of Human Services shall apply for such
21 State plan amendments or waivers as may be necessary to
22 implement the provisions of this act and to secure federal financial
23 participation for State Medicaid expenditures under the federal
24 Medicaid program.

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26 3. The Commissioner of Human Services shall adopt rules and
27 regulations pursuant to the "Administrative Procedure Act,"
28 P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of
29 this act.

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31 4. This act shall take effect immediately, and shall apply to any
32 contract executed on or after the effective date of this act between
33 the Division of Medical Assistance and Health Services in the
34 Department of Human Services and a health maintenance
35 organization or a fee-for-service provider that provides benefits
36 through the State Medicaid program, established pursuant to
37 P.L.1968, c.413 (C.30:4D-1 et seq.).

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STATEMENT

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42 This bill increases the hourly limit of reimbursable personal care
43 assistant services under the NJ WorkAbility Program from 40 hours
44 per calendar workweek to 112 hours per calendar workweek. The
45 NJ WorkAbility Program provides full State Medicaid health
46 coverage to individuals with disabilities who are working and whose
47 earnings would otherwise make them ineligible for Medicaid. The
48 regulations (N.J.A.C.10:72-9 et seq.) governing the Program provide

1 that all services available through the NJ WorkAbility Program
2 must be provided through existing Medicaid contracts held by the
3 Division of Medical Assistance and Health Services (DMAHS) in
4 the Department of Human Services. Currently, the reimbursement
5 of personal care assistant services under such contracts is limited to
6 40 hours per calendar work week.

7 Individuals must meet the following guidelines in order to be
8 eligible for the NJ WorkAbility Program: 1) be between the ages of 16
9 and 64; 2) work part time, full time, or be self-employed and have
10 proof of employment; 3) have a permanent disability as determined by
11 the United States Social Security Administration or the Disability
12 Review Team in DMAHS; and 4) have an earned income below 250
13 percent, and an unearned income below 100 percent, of the federal
14 poverty level. An individual participating in the program must pay a
15 \$25 monthly premium in order to receive full Medicaid coverage.