

SENATE, No. 1744

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

Senator JOSEPH PENNACCHIO

District 26 (Essex, Morris and Passaic)

Senator STEPHEN M. SWEENEY

District 3 (Cumberland, Gloucester and Salem)

SYNOPSIS

Provides for certain group home licensees to obtain Medicaid reimbursement for reservation of beds used by residents on therapeutic leave.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning Medicaid reimbursement for therapeutic leave
2 days taken by residents of group homes for persons with
3 developmental disabilities, and supplementing Title 30 of the
4 Revised Statutes.

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

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9 1. As used in this act:

10 “Commissioner” means the Commissioner of Human Services.

11 “Department” means the Department of Human Services.

12 “Developmental disability” means a developmental disability as
13 defined in the “Developmentally Disabled Rights Act,” P.L.1977,
14 c.82 (C.30:6D-1 et seq.).

15 “Group home” means a living arrangement that is licensed by the
16 department and operated in a residence or residences leased or
17 owned by a licensee; which provides the opportunity for adults with
18 developmental disabilities to live together in a home, sharing in
19 chores and the overall management of the residence; and in which
20 staff provides supervision, training, or assistance, in a variety of
21 forms and intensity, as required to assist the individuals as they
22 move toward independence.

23 “Licensee” means an individual, partnership, or corporation that
24 is licensed by the division, and is responsible for providing services
25 associated with the operation of a group home.

26 “Therapeutic leave” means the temporary absence of a resident
27 from a group home for therapeutic, non-medical reasons, including,
28 but not limited to, vacations, visits with parents, other family
29 members, or caregivers, attendance at a residential camp, or
30 residence in a temporary shelter.

31

32 2. a. A group home shall reserve and hold the room and bed of
33 a Medicaid beneficiary who is temporarily absent from the group
34 home due to therapeutic leave. The Medicaid beneficiary’s bed
35 shall not be occupied by another individual during the period of
36 time in which the beneficiary is on therapeutic leave.

37 b. The New Jersey Medicaid program shall provide
38 reimbursement to a group home licensee, at the per diem rate, for
39 the reservation of a bed for a Medicaid beneficiary who is
40 temporarily absent from the facility, for a maximum period of 12
41 days per calendar year, for the purposes of therapeutic leave. No
42 unused leave days may be carried over into the next calendar year.

43 c. A Medicaid beneficiary’s temporary absence from a group
44 home for the purpose of therapeutic leave shall be consistent with
45 the beneficiary’s individualized habilitation plan and authorized in
46 writing by the beneficiary’s treatment team.

47 d. The dates and purpose of each temporary absence occurring
48 as a result of therapeutic leave shall be documented in the Medicaid

1 beneficiary's individualized habilitation plan and health record.
2 The group home licensee shall also maintain accurate and up-to-
3 date internal records regarding residents' use of therapeutic leave
4 days, and shall make those records available for review by the
5 department, upon request.

6 e. In those instances where a Medicaid beneficiary transfers
7 residence from one group home to another within a calendar year,
8 the receiving group home shall determine the number of therapeutic
9 leave days that have already been allowed by the previous group
10 home of residence within the same calendar year. A record of any
11 therapeutic leave days that have been used by the resident shall be
12 included by the sending facility in the information that is provided
13 to the receiving facility in association with the transfer of the
14 resident thereto.

15 f. For the purposes of reimbursement under this section, a
16 Medicaid beneficiary shall only be deemed to be temporarily absent
17 from the group home for therapeutic leave if the beneficiary is not
18 present in the facility for a full and consecutive 24-hour period
19 beginning and ending at midnight. If the beneficiary is present in
20 the facility for any portion of a day, beginning and ending at
21 midnight, reimbursement for that day shall not be sought or
22 provided under this section.

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24 3. A resident of a group home for persons with developmental
25 disabilities who is a recipient of medical assistance payments under
26 P.L.1968, c.410 (C.30:4D-1 et seq.), and who is temporarily absent
27 from the group home for the purposes of therapeutic leave, as
28 authorized by section 2 of P.L. , c. (C.) (pending before the
29 Legislature as this bill), shall be covered by the medical assistance
30 program for the number of days that the group home maintains the
31 resident's bed.

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33 4. Every group home for persons with developmental
34 disabilities in the State shall maintain a room and bed for an eligible
35 resident, as provided by section 2 of P.L. , c. (C.) (pending
36 before the Legislature as this bill), for a period of up to 12 days per
37 calendar year, when the resident is temporarily absent from the
38 group home for the purposes of therapeutic leave. The group home
39 shall notify the Division of Medical Assistance and Health Services
40 in the Department of Human Services upon the commencement of a
41 period of therapeutic leave, and the division shall confirm the need
42 to maintain the resident's bed, and shall certify the group home's
43 eligibility to receive payment.

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45 5. The Commissioner of Human Services shall apply for such
46 State plan amendments or waivers as may be necessary to
47 implement the provisions of this act and secure federal financial

1 participation for State Medicaid expenditures under the federal
2 Medicaid program.

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4 6. The Commissioner of Human Services shall adopt rules and
5 regulations, pursuant to the “Administrative Procedure Act,”
6 P.L.1968, c.410 (C.52:14B-1 et seq.), as may be necessary to
7 implement the provisions of this act.

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9 7. This act shall take effect on the first day of the fourth month
10 next following the date of enactment, except the Commissioner of
11 Human Services may take any anticipatory administrative action in
12 advance of the effective date as shall be necessary for the
13 implementation of this act.

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STATEMENT

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18 This bill would require a group home for individuals with
19 developmental disabilities to reserve and hold the room and bed of a
20 Medicaid beneficiary who is temporarily absent from the group
21 home due to therapeutic leave. “Therapeutic leave” is defined to
22 mean the temporary absence of a resident from a group home for
23 therapeutic, non-medical reasons, including, but not limited to,
24 vacations, visits with parents, other family members, or caregivers,
25 attendance at a residential camp, or residence in a temporary
26 shelter. The bill prohibits a group home from allowing a Medicaid
27 beneficiary’s bed to be occupied by another individual during the
28 period of time in which the beneficiary is on therapeutic leave.

29 The bill further provides that a Medicaid recipient who is
30 temporarily absent from the group home for the purposes of
31 therapeutic leave will continue to be covered by the medical
32 assistance program for the number of days, not exceeding 12 days
33 per calendar year, that the group home maintains the resident’s bed.
34 The New Jersey Medicaid program will reimburse a group home
35 licensee, at the per diem rate, for the group home’s reservation of a
36 bed for a Medicaid beneficiary who is on therapeutic leave, for the
37 maximum period of up to 12 days per calendar year.

38 A Medicaid beneficiary’s temporary absence from a group home
39 for the purpose of therapeutic leave is to be consistent with the
40 beneficiary’s individualized habilitation plan and authorized in
41 writing by the beneficiary’s treatment team. The dates and purpose
42 of each such temporary absence are to be documented in the
43 Medicaid beneficiary’s individualized habilitation plan and health
44 record. The group home licensee will also be required to maintain
45 accurate and up-to-date internal records regarding residents’ use of
46 therapeutic leave days, and make those records available for review
47 by the department, upon request.

1 The bill provides that, in instances where a Medicaid beneficiary
2 transfers residence from one group home to another within a
3 calendar year, the receiving group home will be required determine
4 the number of therapeutic leave days that have already been allowed
5 by the previous group home of residence within the same calendar
6 year. A record of any therapeutic leave days that have been used by
7 the resident is to be included by the sending facility in the
8 information that is provided to the receiving facility in association
9 with the transfer of the resident thereto.

10 A Medicaid beneficiary will only be deemed to be temporarily
11 absent from a group home for therapeutic leave, for the purposes of
12 obtaining reimbursement under the bill, if the beneficiary is not
13 present in the facility for a full and consecutive 24-hour period
14 beginning and ending at midnight. If the beneficiary is present in
15 the group home for any portion of a day, beginning and ending at
16 midnight, reimbursement for that day may not be sought or
17 provided under the bill.

18 A group home will be required to notify the Division of Medical
19 Assistance and Health Services in the Department of Human
20 Services upon the commencement of a period of therapeutic leave,
21 and the division will be required to confirm the need to maintain the
22 resident's bed, and certify the group home's eligibility to receive
23 payment under the Medicaid program.