SENATE, No. 3847

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JUNE 1, 2021

Sponsored by:
Senator STEPHEN M. SWEENEY
District 3 (Cumberland, Gloucester and Salem)
Senator JAMES BEACH
District 6 (Burlington and Camden)

SYNOPSIS

Establishes program for certain individuals to become certified nursing assistants and provide private duty nursing services to certain Medicaid enrollees under increased reimbursement rates.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 1/6/2022)

AN ACT concerning certified nursing assistants and home care services and supplementing P.L.1968, c.413 (C.30:4D-1 et seq.).

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

1. a. No later than six months after the effective date of this act, the Division of Medical Assistance and Health Services in the Department of Human Services shall establish a program under which a family member of an enrollee in Medicaid or NJ FamilyCare, or a third-party individual approved by the parent or guardian of an enrollee in Medicaid or NJ FamilyCare, may be certified as certified nursing assistant and, under the direction of a registered nurse, provide certified nursing assistant services to the enrollee through a private duty nursing agency under the reimbursement rates established pursuant to subsection d. of this section, provided that the enrollee is under 21 years of age and qualifies for private duty nursing services under Medicaid or NJ FamilyCare. The division shall develop an assessment tool that will allow the division to readily identify enrollees who meet these eligibility criteria.

b. The program established pursuant to this section shall require the family member or approved third-party individual to complete all the training, testing, and other qualification criteria as are required under State and federal law for certification as a certified nursing assistant. The private duty nursing services agency that will employ the family member or approved third-party individual to provide private duty nursing services to the enrollee shall pay all costs for the family member or approved third-party individual to become certified as a certified nursing assistant. In no case shall a family member or approved third-party individual who becomes a certified nursing assistant under the provisions of this section be required to repay or reimburse the private duty nursing services agency for the costs of the family member or approved third-party individual becoming certified as a certified nursing assistant under the program.

c. The tasks delegated by a registered nurse to a family member who becomes certified as a certified nursing assistant pursuant to this section shall be consistent with the tasks that may be generally delegated to certified nursing assistants pursuant to the rules of the New Jersey Board of Nursing.

d. Certified nursing assistant services provided by a family member of a Medicaid or NJ FamilyCare enrollee or an approved third-party individual who becomes certified as a certified nursing assistant under the program established pursuant to this section shall be reimbursed at a rate of no less than $30 per hour for such time as the enrollee is under 21 years of age.

2. The Assistant Commissioner of the Division of Medical Assistance and Health Services in the Department of Human Services shall adopt rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary to implement the provisions of this act.

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

4. This act shall take effect immediately.

STATEMENT

This bill requires the Division of Medical Assistance and Health Services (DMAHS) in the Department of Human Services (DHS) to establish a program under which a family member of an enrollee in Medicaid or NJ FamilyCare or a third-party individual approved by the enrollee's parent or guardian may be certified as certified nursing assistant (CNA) and, under the direction of a registered nurse, provide CNA services to the enrollee through a private duty nursing agency, which services will be subject to an enhanced reimbursement rate. The program established under the bill will apply to enrollees who are under 21 years of age and qualify for private duty nursing services under Medicaid or NJ FamilyCare. The DMAHS will be required to develop an assessment tool that will allow the DMAHS to readily identify enrollees who meet these eligibility criteria.

Under the program, the family member or approved third-party individual will be required to complete all the training, testing, and other qualification criteria as are required under State and federal law for certification as a CNA. The private duty nursing services agency that will employ the family member or approved third-party individual will be required to pay all costs for the family member or approved third-party individual to become certified as a CNA. In no case will the family member or approved third-party individual be required to repay or reimburse the agency for the costs of becoming a CNA.

The tasks delegated by a registered nurse to a family member or approved third-party individual who becomes certified as a certified nursing assistant under the bill are to be consistent with the tasks that may be generally delegated to certified nursing assistants pursuant to the rules of the New Jersey Board of Nursing.

The DMAHS will be required to establish the program within six months after the effective date of the bill. The DHS will be

required to apply for State plan amendments and waivers as are necessary to implement the provisions of the bill and to secure federal financial participation for State Medicaid expenditures under the federal Medicaid program.