

[First Reprint]

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 reported by the Senate Budget and Appropriations Committee on January 6, 2022, with amendments.



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

1 AN ACT concerning certified nursing assistants and home care
2 services and supplementing P.L.1968, c.413 (C.30:4D-1 et seq.).
3

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

7 1. a. No later than ¹**[six]** nine¹ months after the effective date
8 of this act ¹and receipt of federal approval for the program¹, the
9 Division of Medical Assistance and Health Services in the
10 Department of Human Services shall establish a program under
11 which a family member of an enrollee in Medicaid or NJ
12 FamilyCare, or a third-party individual approved by the parent or
13 guardian of an enrollee in Medicaid or NJ FamilyCare, may be
14 certified as certified nursing assistant and, under the direction of a
15 registered nurse, provide certified nursing assistant services to the
16 enrollee through a private duty nursing agency under the
17 reimbursement rates established pursuant to subsection d. of this
18 section, provided that the enrollee is under 21 years of age and
19 qualifies for private duty nursing services under Medicaid or NJ
20 FamilyCare. The division shall develop an assessment tool that will
21 allow the division to readily identify enrollees who meet these
22 eligibility criteria.

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

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

43 d. Certified nursing assistant services provided by a family
44 member of a Medicaid or NJ FamilyCare enrollee or an approved
45 third-party individual who becomes certified as a certified nursing

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SBA committee amendments adopted January 6, 2022.

1 assistant under the program established pursuant to this section
2 shall be reimbursed ¹to a private duty nursing agency¹ at a rate of
3 no less than \$30 per hour for such time as the enrollee is under 21
4 years of age.

5 ¹e. The Director of the Division of Medical Assistance and
6 Health Services in the Department of Human Services shall, no later
7 than three years after the date the program is established pursuant to
8 this section, prepare and submit a report to the Governor and,
9 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the
10 Legislature, concerning the viability of the program and the
11 director's recommendations concerning the program.¹

12
13 2. The Assistant Commissioner of the Division of Medical
14 Assistance and Health Services in the Department of Human
15 Services shall adopt rules and regulations, pursuant to the
16 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
17 seq.), as are necessary to implement the provisions of this act.

18
19 3. The Commissioner of Human Services shall apply for such
20 State plan amendments or waivers as may be necessary to
21 implement the provisions of this act and to secure federal financial
22 participation for State Medicaid expenditures under the federal
23 Medicaid program.

24
25 4. This act shall take effect immediately.