

# ASSEMBLY, No. 3542

## STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED DECEMBER 6, 2012

**Sponsored by:**

**Assemblyman HERB CONAWAY, JR.**

**District 7 (Burlington)**

**Assemblywoman PAMELA R. LAMPITT**

**District 6 (Burlington and Camden)**

**SYNOPSIS**

Permits flexible scheduling of private duty nursing services for eligible Medicaid recipients.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 9/10/2013)

1 AN ACT concerning private duty nursing services covered by  
2 Medicaid and 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. An individual eligible to receive private duty nursing  
8 services pursuant to N.J.A.C.10:60-5.1 et seq. may choose to  
9 schedule fewer hours of private duty nursing services in a 24-hour  
10 period than the individual is eligible to receive. Any service hours  
11 that the individual was eligible to receive but did not receive in a  
12 24-hour period may be scheduled in a future 24-hour period, at the  
13 discretion of the individual and the private duty nursing service  
14 provider. Up to 24 service hours may be scheduled in a 24-hour  
15 period, provided that any service hours in excess of the number of  
16 service hours for which the individual is normally eligible to  
17 receive in a 24-hour period are drawn from the pool of unused  
18 service hours. Unused service hours may be accumulated in this  
19 way with no maximum, except that any unused service hours shall  
20 expire at the end of each month.

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22 2. The Commissioner of Human Services shall adopt rules and  
23 regulations, pursuant to the "Administrative Procedure Act,"  
24 P.L.1968, c.410 (C.52:14B-1 et seq.), in order to effectuate the  
25 purposes of this act.

26  
27 3. This act shall take effect on the first day of the seventh  
28 month next following the date of enactment, but the Commissioner  
29 of Human Services may take such anticipatory administrative action  
30 in advance thereof as shall be necessary for the implementation of  
31 this act.

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#### STATEMENT

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36 This bill permits a greater degree of flexibility in scheduling  
37 private duty nursing services for individuals eligible to receive  
38 these services through Medicaid.

39 Current regulations limit Medicaid reimbursement for private  
40 duty nursing services to a certain number of approved hours in a 24-  
41 hour period for each individual, to a maximum of 16 hours in a 24-  
42 hour period. The bill permits an individual to schedule fewer than  
43 the approved number of hours in a 24-hour period, and instead  
44 schedule those hours on a later date. This would allow an  
45 individual to exceed the number of approved hours in a 24-hour  
46 period, and exceed the 16-hour maximum, if the individual uses  
47 "banked" hours to cover the difference. Unused service hours may

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1 be accumulated with no maximum, except that any unused service  
2 hours will expire at the end of each month.

3 The bill takes effect on the first day of the seventh month  
4 following the date of enactment, but authorizes the Commissioner  
5 of Human Services to take prior administrative action as necessary  
6 for its implementation.