

**SENATE, No. 1373**

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**STATE OF NEW JERSEY**

**218th LEGISLATURE**

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INTRODUCED FEBRUARY 1, 2018

**Sponsored by:**

**Senator JEFF VAN DREW**

**District 1 (Atlantic, Cape May and Cumberland)**

**Assemblyman BOB ANDRZEJCZAK**

**District 1 (Atlantic, Cape May and Cumberland)**

**Assemblyman R. BRUCE LAND**

**District 1 (Atlantic, Cape May and Cumberland)**

**Assemblyman MATTHEW W. MILAM**

**District 1 (Atlantic, Cape May and Cumberland)**

**Co-Sponsored by:**

**Assemblywoman McKnight**

**SYNOPSIS**

Expands option of governmental home health care agency to partner with non-governmental providers to deliver health care services.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/24/2019)**

1    **AN ACT** concerning governmental home health care agencies and  
2       supplementing Title 26 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:*

6  
7       1. Notwithstanding any provision of Title 26 of the Revised  
8       Statutes or any regulation promulgated thereunder to the contrary, a  
9       county or municipal government that is the licensed operator of a  
10      home health agency may contract with a non-governmental entity  
11      that is licensed as a home health care agency to provide direct  
12      services, administration, and financial services on behalf of the  
13      governmental home health care agency, provided that the  
14      governmental body that is the licensed operator retains ultimate  
15      control over key governance responsibilities. Any such contractual  
16      arrangement shall be subject to approval by the Department of  
17      Health. Nothing in this section shall be construed to supersede any  
18      applicable law or regulation concerning public bidding, licensure of  
19      non-governmental home health care agencies, or reimbursement for  
20      publicly funded health care programs.

21  
22      2. The Commissioner of Health shall, in accordance with the  
23      “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et  
24      seq.), adopt any rules and regulations as the commissioner deems  
25      necessary to carry out the provisions 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, except that the  
29      Commissioner of Health may take any anticipatory administrative  
30      action in advance as shall be necessary for the implementation of  
31      this act.

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33  
34                                    **STATEMENT**

35  
36      This bill would permit a government-owned home health agency  
37      to contract with a non-governmental entity that is licensed as a  
38      home health care agency to provide direct services, administration,  
39      and financial services. Current regulations at N.J.A.C.8:42-3.1  
40      require a licensed home health agency to routinely provide nursing  
41      services through its own staff, allowing an agency to retain nursing  
42      services by contract only (1) temporarily because all available  
43      employees have achieved maximum caseloads; or (2) to provide  
44      specialized care that is not within either the expertise or scope of  
45      practice of existing staff. This bill would allow governmental home  
46      health agencies to contract with non-governmental agencies to  
47      deliver services on a longer-term basis.

1       Under the bill, a contract between a governmental home health  
2       care agency and a non-governmental contractor must leave ultimate  
3       control over key governance responsibilities to the governmental  
4       body that is the licensed operator. Any such contractual  
5       arrangement would be subject to approval by the Department of  
6       Health. Nothing in the bill would supersede any applicable law or  
7       regulation concerning public bidding, licensure of non-  
8       governmental home health care agencies, or reimbursement for  
9       publicly funded health care programs.

10       It is the sponsor's belief that county and municipal governments  
11       continue to have an important role in providing public health care  
12       services to their residents that can be essential to ensure quality  
13       health care services are available to all underserved residents,  
14       irrespective of their ability to pay. However, governmental health  
15       care agencies are often faced with challenges in the efficient  
16       delivery of health care services not faced by private entities, and  
17       these challenges can negatively affect their ability to serve as  
18       critical access providers. By granting more flexibility to contract  
19       for services, these governmental health care agencies can better  
20       serve their missions to provide needed health care to their residents.