

ASSEMBLY, No. 4864

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED OCTOBER 22, 2020

Sponsored by:

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman WILLIAM W. SPEARMAN

District 5 (Camden and Gloucester)

Co-Sponsored by:

**Assemblymen Chiaravalloti, Tully, Armato, Assemblywomen Downey,
Speight, McKnight, Murphy and Assemblyman Mejia**

SYNOPSIS

Makes FY 2021 supplemental appropriation of \$210,000 to DHS for temporary 25 percent increase to certain assisted living resident providers in Medicaid.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/25/2021)

1 A SUPPLEMENT to the Fiscal Year 2021 appropriations act,
2 P.L.2020, c.97.

3
4 BE IT ENACTED by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. In addition to the amounts appropriated under P.L.2020,
8 c.97, there is appropriated out of the General Fund the following
9 sum for the purpose specified:
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54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

24 Special Health Services

7540 Division of Medical Assistance and Health Services

GRANTS-IN-AID

22-7540 General Medical Services	\$210,000
<hr/>	
Total Grants-In-Aid Appropriation,	
Special Health Services	\$210,000
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Grants-In-Aid:

22 Medical Coverage– Nursing Home	(\$210,000)
Residents.....	

11
12 2. The following language provision in section 1 of P.L.2020,
13 c.97 is amended as follows:
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54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

24 Special Health Services

7540 Division of Medical Assistance and Health Services

GRANTS-IN-AID

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21 Notwithstanding the provisions of any law or regulation to the
22 contrary, the amounts hereinabove appropriated to the General
23 Medical Services program classification are subject to the
24 following condition: assisted living facilities, comprehensive
25 personal care homes, and assisted living programs, shall receive
26 a per diem rate of no less than \$77, \$67, and \$57, respectively, as
27 reimbursement for each NJ FamilyCare beneficiary under their
28 care, provided that the reimbursement rate for assisted living
29 facilities with a Medicaid population in excess of 50 percent of
30 the facility’s total population shall be equal to the rate received
31 on September 30, 2020, plus a 25 percent adjustment. Each
32 facility that qualifies for such a rate adjustment shall use no less
33 than 60 percent of the rate adjustment for the sole purpose of
34 increasing wages or supplemental pay for certified nurse aides

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.

1 providing direct care. The remainder of the rate adjustment shall
2 be used for other costs related to coronavirus disease 2019
3 preparedness and response, including enhancing infection control
4 measures, cleaning, reconfiguration of the facility to support
5 cohorting, procurement of personal protective equipment,
6 testing, or other staff wages and needs.

7
8 3. This act shall take effect immediately.
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11 STATEMENT

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13 This bill makes an FY 2021 supplemental appropriation of
14 \$210,000 to Department of Human Services (DHS) for a temporary
15 25 percent increase to the certain assisted living facilities in the
16 Medicaid program, which is anticipated to earn a federal match of
17 \$528,000. Currently, P.L.2020, c.90 and the FY 2021
18 Appropriations Act authorize a 10 percent temporary rate
19 adjustment to nursing facilities.

20 The intent of the existing law is to provide nursing facilities with
21 the financial support to respond to the coronavirus disease 2019
22 (COVID-19) pandemic and to comply with the various federal and
23 State requirements imposed upon such facilities to continue to
24 operate during this public health crisis. Assisted living facilities are
25 subject to many of the same requirements, yet are not included in
26 this temporary rate adjustment. It is the sponsor's intent to ensure
27 that all facilities serving the most vulnerable population are
28 provided the same State support as nursing facilities to maintain
29 healthy and safe operations during COVID-19.

30 Specifically, under the bill, the FY 2021 reimbursement rate for
31 assisted living facilities with a Medicaid population in excess of 50
32 percent of the facility's total population is to be equal to the rate
33 received on September 30, 2020, plus a 25 percent adjustment. The
34 current rate, under the NJ FamilyCare program, for assisted living
35 facilities is \$77 per diem. Under the bill, the rate for qualifying
36 facilities would increase by \$19.25 to \$96.25 per day.

37 Each facility is to use no less than 60 percent of the rate
38 adjustment for the sole purpose of increasing wages or
39 supplemental pay for certified nurse aides providing direct care.
40 The remainder of the rate adjustment is to be used for other costs
41 related to COVID-19 preparedness and response, including
42 enhancing infection control measures, cleaning, reconfiguration of
43 the facility to support cohorting, procurement of personal protective
44 equipment, testing, or other staff wages and needs.