

[First Reprint]  
**SENATE, No. 51**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Senator ROBERT W. SINGER**

**District 30 (Monmouth and Ocean)**

**Senator PATRICK J. DIEGNAN, JR.**

**District 18 (Middlesex)**

**Co-Sponsored by:**

**Senators T.Kean and Greenstein**

**SYNOPSIS**

Establishes commission to study impact of certain Medicaid reimbursement rate change on nursing homes.

**CURRENT VERSION OF TEXT**

As reported by the Senate Health, Human Services and Senior Citizens Committee on January 27, 2020, with amendments.



1 AN ACT establishing a commission to study the effects of P.L.2017,  
2 c.239 (C.30:4D-7n through 7o) on nursing homes in the State.

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

6  
7 1. a. There is established a study commission to be known as  
8 the “Impact of Medicaid Personal Care Services Reimbursement  
9 Change on Nursing Homes Study Commission.” The purpose of  
10 the study commission shall be to analyze the effects of the  
11 adjustment to the Medicaid hourly reimbursement rate for personal  
12 care services within the Medicaid program resulting from the  
13 enactment of P.L.2017, c.239 (C.30:4D-7n and 30:4D-7o)<sup>1</sup>, as  
14 amended by P.L.2019, c.275,<sup>1</sup> and any corresponding  
15 appropriations, on nursing homes in the State. Specifically, the  
16 commission shall analyze the effects of the increase in the hourly  
17 reimbursement rate on the operations, ability to comply with any  
18 minimum staffing requirements, employee retention, financial  
19 health, resident costs, and related issues on nursing homes in the  
20 State, including whether any nursing homes closed following the  
21 effective date of P.L.2017, c.239 <sup>1</sup>or the enactment of P.L.2019,  
22 c.275,<sup>1</sup> and the reasons therefor. The commission shall also review  
23 the source of State funds used to support the rate increase, and  
24 determine, where possible, any reduction in funding of other State  
25 budget items that may have resulted from the necessity of funding  
26 the rate increase. To this end, the commission shall solicit data or  
27 information from nursing homes in the State<sup>1</sup>**[.]**<sup>1</sup> or other entities,  
28 as necessary to carry out its duties hereunder.

29 b. The Impact of Medicaid Personal Care Services  
30 Reimbursement Change on Nursing Homes Study Commission shall  
31 consist of nine members as follows:

32 <sup>1</sup>(1)<sup>1</sup> the <sup>1</sup>**[Commissioner]** Commissioners<sup>1</sup> of Human  
33 Services<sup>1</sup>**[.]**, or the commissioner’s designee; the Commissioner of  
34 and<sup>1</sup> Health, or <sup>1</sup>**[the commissioner’s designee]** their designees<sup>1</sup>;

35 <sup>1</sup>(2)<sup>1</sup> five members of the public with significant operational,  
36 financial, or managerial expertise in the nursing home industry,  
37 three of whom shall be representatives of entities currently  
38 operating one or more nursing homes in the State, to be appointed  
39 as follows:

40 <sup>1</sup>(a)<sup>1</sup> two members <sup>1</sup>**[to]** shall<sup>1</sup> be appointed by the Speaker of  
41 the General Assembly;

42 <sup>1</sup>(b)<sup>1</sup> two members <sup>1</sup>**[to]** shall<sup>1</sup> be appointed by the Minority  
43 Leader of the Senate; and

**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:

<sup>1</sup>Senate SHH committee amendments adopted January 27, 2020.

- 1       <sup>1</sup>(c)<sup>1</sup> one member <sup>1</sup>【to】 shall<sup>1</sup> be appointed by the Governor;
- 2       <sup>1</sup>(3)<sup>1</sup> one member of the public with expertise in State  
3 Medicaid policy and healthcare finance who shall be appointed by  
4 the Minority Leader of the General Assembly<sup>1</sup>【.】<sup>1</sup> and
- 5       <sup>1</sup>(4)<sup>1</sup> one member of the public with expertise in State fiscal  
6 and budgetary matters, <sup>1</sup>【to】 who shall<sup>1</sup> be appointed by the  
7 President of the Senate.
- 8       c. The study commission shall organize as soon as practicable  
9 after the appointment of its members. Upon its organization, the  
10 study commission shall select a chairperson from among its  
11 members. <sup>1</sup>The chairperson shall appoint a secretary who need not  
12 be a member of the commission.<sup>1</sup> The study commission may meet  
13 and<sup>1</sup>【holding】 hold<sup>1</sup> meetings at the times and places <sup>1</sup>【it may  
14 designate】 as shall be designated by the chair<sup>1</sup>. A majority of the  
15 authorized members shall constitute a quorum <sup>1</sup>for the purpose of  
16 conducting official commission business<sup>1</sup>. Vacancies shall be filled  
17 in the same manner as the original appointments were made. The  
18 members shall serve without <sup>1</sup>【remuneration】 compensation<sup>1</sup>, but  
19 shall be eligible for reimbursement for necessary and reasonable  
20 expenses incurred in the performance of their duties on the  
21 commission, within the limits of funds appropriated or otherwise  
22 made available to the study commission for its purposes.
- 23       d. The study commission is entitled to receive assistance and  
24 services from any State, county, or municipal department, board,  
25 commission, or agency, as may be available to it for its purposes.  
26 <sup>1</sup>The Department of Human Services shall provide staff and  
27 administrative support to the commission.<sup>1</sup>
- 28       e. Not later than 12 months after the initial meeting of the  
29 study commission, it shall prepare and submit a written report to the  
30 Governor, and to the Legislature pursuant to section 2 of P.L.1991,  
31 c.164 (C.52:14-19.1), presenting its analysis of the effect of the  
32 enactment of P.L.2017, c.239 (C.30:4D-7n through 30:4D-7o)<sup>1</sup>, as  
33 amended by P.L.2019, c.275.<sup>1</sup> on nursing homes in the State, as  
34 well as any recommendations <sup>1</sup>for legislation or other action as the  
35 commission deems appropriate<sup>1</sup>. The study commission shall  
36 expire on the first day of the third month next following submission  
37 of its written report to the Governor and the Legislature, as required  
38 by this subsection.
- 39
- 40       2. This act shall take effect immediately upon enactment <sup>1</sup>and  
41 shall expire on the first day of the third month next following  
42 submission of the study commission's report<sup>1</sup>.