

ASSEMBLY, No. 463

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen ROMA and AZZOLINA

1 AN ACT concerning a veterans alternative health care assessment and
2 demonstration program.

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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. This act shall be known and may be cited as the "Veterans
8 Alternative Health Care Assessment and Demonstration Act."

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10 2. As used in this act:

11 "Adjutant General" means the Adjutant General of the Department
12 of Military and Veterans' Affairs.

13 "Department" means the Department of Military and Veterans
14 Affairs.

15 "Program" means the "Veterans Alternative Health Care
16 Demonstration Program" established pursuant to this act.

17 "Veteran" means a person who has served in any branch of the
18 armed services of the United States for at least 90 days other than for
19 training and who has been honorably separated therefrom.

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21 3. The Adjutant General shall, within six months of the effective
22 date of this act, complete an assessment of the alternative health care
23 opportunities currently available for veterans in the State. Based on
24 this assessment, the Adjutant General shall make a recommendation to
25 the Governor and the Legislature as to whether or not a Veterans
26 Alternative Health Care Demonstration Program is necessary for the
27 State, or whether State funds would be better utilized by facilitating
28 veterans' access to existing alternative health care programs
29 throughout the State. The Governor and the Legislature shall make a
30 determination with respect to the recommendation.

31 If the Governor and the Legislature determine existing alternative
32 health care programs throughout the State will better assist frail,
33 elderly or disabled veterans, the department shall use the cost savings
34 realized by the State, if any, to provide placement for additional
35 veterans into existing alternative health care programs.

1 If the Governor and the Legislature determine a Veterans
2 Alternative Health Care Demonstration Program is necessary, the
3 Adjutant General shall: a. establish such a program to provide
4 non-institutional health care such as home health care, adult day care
5 or assistive living services, or a combination thereof, to frail, elderly
6 or disabled veterans through agencies, organizations or other entities
7 approved by the Adjutant General for the purpose of enabling these
8 veterans to remain in their homes and communities rather than being
9 placed in a nursing home or other long-term care facility; b. solicit
10 proposals for pilot projects to provide home health care, adult day care
11 or assistive living services, or a combination thereof, to veterans from
12 agencies, organizations or other entities interested in participating in
13 the program; and c. review the project proposals, approve and fund,
14 within the limits of moneys appropriated for the purpose of this
15 program, a maximum of three proposals which best meet the
16 objectives of the program and which include procedures for evaluating
17 the effectiveness of the proposed project.

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19 4. A frail, elderly or disabled veteran who is a resident of this State
20 shall be eligible for the program if:

21 a. the veteran meets financial eligibility limits for the program to be
22 established by the Adjutant General;

23 b. the agency organization or other entity administering the pilot
24 program from which the veteran is seeking services certifies that the
25 veteran is at risk of placement in a nursing home or other long-term
26 care facility but could be appropriately cared for in his or her home or
27 in the community if services provided under the program are available
28 to the veteran;

29 c. the estimated cost of the services provided to the veteran under
30 the program does not exceed 70% of the average cost of a comparable
31 level of nursing home or long-term care; and

32 d. the veteran is not eligible for the same or similar services under
33 the Medicaid program established pursuant to P.L.1968, c.413
34 (C:30:4D-1 et seq.).

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36 5. a. The agency, organization or other entity administering a pilot
37 project under the program shall perform a comprehensive medical,
38 social and financial assessment of each applicant for services,
39 according to guidelines established by the Adjutant General, to
40 determine if the applicant is eligible for the program pursuant to
41 section 4 of this act.

42 b. The assessment shall be used by the agency, organization or
43 other entity administering the pilot project as a basis for preparing a
44 services plan designed to meet the specific health and social needs of
45 each applicant who is eligible for the program which shall include: a
46 list of the services to be provided; an estimate of the frequency with

1 which, and total length of time that, each service will be provided; and
2 estimate of the cost of each service and the total cost of implementing
3 the plan; and a statement of the percentage or amount of money that
4 an eligible veteran shall be required to contribute toward the cost of
5 services provided under the plan which shall be determined by the
6 agency, organization or other entity in accordance with the sliding fee
7 scale established by the Adjutant General pursuant to section 7 of this
8 act. The plan shall be revised as frequently as necessary, but a
9 comprehensive reassessment of each eligible veteran shall be made
10 annually.

11 c. The plan shall be discussed with the eligible veteran and his or
12 her spouse, if married. The plan shall not be approved until the
13 eligible veteran and his or her spouse approve the plan in writing.

14 d. The assessment and the services plan shall be completed on the
15 forms prescribed by the Adjutant General.

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17 6. a. The Adjutant General shall, by regulation, stipulate which
18 home health, adult day care and assistive living services are eligible for
19 reimbursement under the program.

20 b. The Adjutant General shall establish a written contract with each
21 agency, organization or other entity which is approved to administer
22 a pilot project under the program pursuant to section 3 of this act,
23 setting in forth detail the services to be provided to eligible veterans
24 by the pilot project and the obligations and responsibilities of the
25 agency, organization or other entity.

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27 7. a. The Adjutant General shall establish a sliding fee scale which
28 shall be used to determine the percentage or amount of money that an
29 eligible veteran and his or her spouse, if married, shall be required to
30 contribute toward the cost of services provided under the program.
31 This percentage or amount shall be based on an eligible veteran's and
32 his or her spouse's, if married, ability to pay for the services under the
33 program, except that no eligible veteran and spouse shall have to pay
34 more than 50% of the cost of services provided pursuant to this act.

35 b. If the costs of providing services to an eligible veteran under the
36 program are covered in whole or in part by any other State or federal
37 government program or insurance contract, the other government
38 program or insurance carrier shall be the primary payer and the
39 program shall be the secondary payer.

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41 8. The Adjutant General shall establish a fee schedule for payments
42 or reimbursements to providers of home health care, adult day care
43 and assistive living services under the program.

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45 9. The Adjutant General shall report to the Governor and the
46 Legislature no later than 24 months after the effective date of this act

1 on the activities of the program and its effectiveness in meeting its
2 objectives, including an assessment of the most efficient and effective
3 method of establishing a statewide program and the projected cost of
4 doing so, and accompanying the report with any recommendations for
5 changes in the law or regulations governing the program that the
6 Adjutant General deems necessary.

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8 10. The Adjutant General, pursuant to the "Administrative
9 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt
10 rules and regulations necessary to effectuate the purposes of this act.

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12 11. This assessment and pilot program, if necessary, shall be
13 self-financed by the Department of Military and Veterans' Affairs
14 through increased efficiencies within the department and through
15 revenues generated by increased per diem reimbursed from the federal
16 Veterans Administration effective October 1, 1994.

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18 12. This act shall take effect immediately and shall expire two years
19 after the effective date.

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22 STATEMENT

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24 This bill requires the Adjutant General of the Department of
25 Military and Veterans' Affairs to assess the availability of home health
26 care, adult day care and assistive living services to frail, elderly or
27 disabled veterans who would otherwise require long-term institutional
28 care and who are not eligible for coverage under the Medicaid
29 program. After such an assessment is made, the Governor and the
30 Legislature shall determine whether it is necessary to institute a
31 Veterans Alternative Health Care Demonstration Program or whether
32 State funds would be better spent developing methods to give veterans
33 increased access to existing alternative health care programs
34 throughout the State.

35 If the Governor and the Legislature determine existing alternative
36 health care programs throughout the State will better assist frail,
37 elderly or disabled veterans, the Department will use the cost savings
38 realized by the State, if any, to provide placement for additional
39 veterans into existing alternative health care programs. If the
40 Governor and the Legislature determines a Veterans Alternative
41 Health Care Demonstration Program is necessary, the program is to be
42 developed by the Adjutant General, in consultation with the
43 Commissioner of Health and the Commissioner of Human Services.
44 The program will be comprised of a maximum of three agencies,
45 organizations or entities which will be selected by the Adjutant
46 General. The types of services provided will be nursing, homemaking,

1 and other services deemed necessary by the Adjutant General.

2 The bill directs the Adjutant General to establish financial liability
3 limits for the demonstration program; establish guidelines for the
4 comprehensive medical, social and financial assessment required;
5 determine each applicant's eligibility for the program; prepare a
6 specific plan of services needed by each applicant; and establish a fee
7 scale for the services provided by the program based on the veteran's
8 ability to pay, not to exceed 50% of the costs of services provided.

9 The bill also requires that the Adjutant General report to the
10 Governor and the Legislature within 24 months of the effective date
11 of the act on the activities and effectiveness of the demonstration
12 program, if the program is deemed necessary. The act shall expire two
13 years after the effective date.

14 The sponsor of this bill believes this assessment and pilot program,
15 if necessary, can be self-financed by the Department of Military and
16 Veterans' Affairs through increased efficiencies within the department
17 and through revenues generated by increased per diem reimbursement
18 from the federal Veterans Administration effective October 1, 1994,
19 and that financing the program in this manner will result in no
20 additional cost to the State.

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25 The "Veterans Alternative Health Care Assessment and Demonstration
26 Act."