

[First Reprint]
ASSEMBLY, No. 463

STATE OF NEW JERSEY

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.

3

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

6

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

9

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.

20

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

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined **thus** is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ACV committee amendments adopted March 4, 1996.

1 health care programs throughout the State will better assist frail,
2 elderly or disabled veterans, the department shall use the cost savings
3 realized by the State, if any, to provide placement for additional
4 veterans into existing alternative health care programs.

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

22

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

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

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

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

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

39

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

46 b. The assessment shall be used by the agency, organization or

1 other entity administering the pilot project as a basis for preparing a
2 services plan designed to meet the specific health and social needs of
3 each applicant who is eligible for the program which shall include: a
4 list of the services to be provided; an estimate of the frequency with
5 which, and total length of time that, each service will be provided; and
6 estimate of the cost of each service and the total cost of implementing
7 the plan; and a statement of the percentage or amount of money that
8 an eligible veteran shall be required to contribute toward the cost of
9 services provided under the plan which shall be determined by the
10 agency, organization or other entity in accordance with the sliding fee
11 scale established by the Adjutant General pursuant to section 7 of this
12 act. The plan shall be revised as frequently as necessary, but a
13 comprehensive reassessment of each eligible veteran shall be made
14 annually.

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

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

20

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

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

30

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

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

44

45 8. The Adjutant General shall establish a fee schedule for payments
46 or reimbursements to providers of home health care, adult day care

1 and assistive living services under the program.

2

3 9. The Adjutant General shall report to the Governor and the
4 Legislature no later than 24 months after the effective date of this act
5 on the activities of the program and its effectiveness in meeting its
6 objectives, including an assessment of the most efficient and effective
7 method of establishing a Statewide program and the projected cost of
8 doing so, and accompanying the report with any recommendations for
9 changes in the law or regulations governing the program that the
10 Adjutant General deems necessary.

11

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

15

16 11. This assessment and pilot program, if necessary, shall be self-
17 financed ¹to the extent possible¹ by the Department of Military and
18 Veterans' Affairs through ¹savings and cost avoidance realized by¹
19 increased efficiencies within the department ¹[and through revenues
20 generated by increased per diem reimbursed from the federal Veterans
21 Administration effective October 1, 1994]¹.

22

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

25

26

27

28

29 The "Veterans Alternative Health Care Assessment and Demonstration
30 Act."
