

SENATE CONCURRENT RESOLUTION No. 91

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 19, 1996

By Senators SACCO, CASEY, Girgenti, Zane, Adler, Lynch,  
Lesniak, Bryant, Lipman, Rice, Kenny, O'Connor, Baer and  
McGreevey

1 A CONCURRENT RESOLUTION overriding a line-item veto of a language  
2 provision concerning the hourly reimbursement rate in the Personal Care  
3 Assistant program in the Department of Human Services

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5 BE IT RESOLVED by the Senate of the State of New Jersey (the General  
6 Assembly concurring):

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8 1. That the following language provision, on page 123 of Senate Bill No.3  
9 of 1996 (P.L.1996, c.42), which was the subject of objection by the  
10 Governor in her veto statement of June 28, 1996, be restored to law as  
11 follows, the objections thereto of the Governor notwithstanding:

12  
13 GRANTS-IN-AID

14 54 DEPARTMENT OF HUMAN SERVICES

15 20 Physical and Mental Health

16 24 Special Health Services

17 7540 Division of Medical Assistance and Health Services -- Grants-In-Aid

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19 Notwithstanding any law to the contrary and subject the notice provisions of 42  
20 CFR §447.205, Personal Care Assistant services shall be limited to no more  
21 than 25 hours per week. Additional hours, up to 40 per week, shall be  
22 authorized by the Division of Medical Assistance and Health Services prior to  
23 the provision of services not provided by clinics under contract with the  
24 Division of Mental Health Services. The hourly rates in effect on June 30,  
25 1996 in the Personal Care Assistant program shall remain in effect during fiscal  
26 year 1997 except that the hourly weekend rate shall be \$16. Additional savings  
27 shall be achieved by an increase in the frequency of the assessments performed  
28 to determine the need, scope and duration of Personal Care Assistant services.

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30 2. BE IT FURTHER RESOLVED, that copies of this resolution be  
31 delivered to the Governor, the State Treasurer and the Commissioner of the

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.

1 Department of Human Services.

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STATEMENT

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6 This resolution restores a language provision in the annual appropriations  
7 act for Fiscal Year 1997 that was the subject of the Governor's line item veto.  
8 That language provision established that the hourly rates in effect on June 30,  
9 1996 for reimbursement of Personal Care Assistant services would continue  
10 in effect as the hourly rates for non-weekend services provided during fiscal  
11 year 1997. The Personal Care Assistant services program provides home  
12 health care services to the frail elderly and disabled adults and children. The  
13 individuals served in the program are those who would otherwise be placed  
14 in nursing homes or who require someone to stay home with the disabled or  
15 elderly person.

16 The provider rate since 1991 has been set at \$14 per hour and was  
17 intended by the Legislature in the fiscal year 1997 annual appropriations act  
18 to be maintained at that rate. Savings in the program were to be implemented  
19 through other efficiency measures as set forth in the language provision.  
20 However, the line-item veto message suggests that rate reductions for personal  
21 care assistant services, which may be sought by the Department of Human  
22 Services through regulatory changes, is a viable means of producing cost  
23 savings in the program. The Legislature seeks through this concurrent  
24 resolution to prevent the reduction of the reimbursement rate for providers to  
25 ensure that the providers of these services are not forced out of business or  
26 forced to consider abandoning altogether this vital and beneficial program for  
27 such a vulnerable population.

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32 Overrides Governor's line-item veto of a language provision concerning the  
33 hourly reimbursement rate in the Personal Care Assistant program in the  
34 Department of Human Services.