

SENATE, No. 4032

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED NOVEMBER 4, 2021

Sponsored by:

Senator NILSA I. CRUZ-PEREZ

District 5 (Camden and Gloucester)

SYNOPSIS

Authorizes provision of adult day health services on remote basis.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning adult day health services and supplementing
2 Title 26 of the Revised Statutes.

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

6
7 1. a. The Commissioner of Health shall authorize licensed
8 adult day health services facilities to provide adult day health
9 services on a remote basis to enrollees of the facility who are unable
10 or unwilling to receive services from the facility on an in-person
11 basis. All services available from the facility on an in-person basis
12 shall be made available remotely, provided the service can be safely
13 and effectively provided on a remote basis. The remote services
14 that a facility may provide may include, but shall not be limited to:

15 (1) daily wellness checks conducted using telemedicine or
16 telehealth that include screenings for, and the assessment of, the
17 enrollee's current needs and status, which may include screenings
18 for:

19 (a) food insecurity;

20 (b) the need for assistance with self-care and activities of daily
21 living;

22 (c) medication supply and adherence to daily medication
23 regimens;

24 (d) the signs or symptoms of physical illness, including
25 infection with a communicable disease, along with the need to
26 arrange medical care or treatment for the illness;

27 (e) changes in the enrollee's home environment; and

28 (f) changes in the enrollee's mood or behavior;

29 (2) access to services provided by licensed or certified health
30 care professionals, including, but not limited to:

31 (a) nursing care, including medical assessments; physical,
32 occupational, speech, and related therapies; and assistance in
33 scheduling medical appointments;

34 (b) social work, including enrollee and caregiver counseling;

35 (c) dietician and nutrition services, including counseling and
36 oversight;

37 (d) pharmacy consultant services to coordinate pharmaceutical
38 services provided to the enrollee and to prevent adverse interactions
39 among the enrollee's medications; and

40 (e) therapeutic recreation, including one-on-one and group
41 recreational activities appropriate to the enrollee's needs;

42 (3) delivery of ready-to-eat meals, if so requested by the
43 enrollee or a caregiver, which shall be provided at no additional
44 cost to the enrollee;

45 (4) delivery of activity packets for therapeutic recreation as well
46 as any other items or materials as may be needed; and

1 (5) transportation to and from, and coordination of, daily
2 medical appointments.

3 b. Remote services provided to an enrollee by an adult day
4 health services facility under subsection a. of this section shall be
5 billed for and subject to reimbursement at the same rate as would
6 apply to those services when provided in person, provided the
7 facility provides written documentation of each service provided
8 and all remote services interactions are identified in the enrollee's
9 care plan.

10 c. Nothing in this section shall be construed to authorize an
11 adult day health services facility to provide services to enrollees,
12 inclusive of in-person and remote services, in a manner that exceeds
13 the facility's authorized capacity.

14 d. As used in this act:

15 "Enrollee" means an individual who is enrolled or participating
16 in, or receiving adult day health services from, an adult day health
17 services facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et
18 seq.).

19 "Telehealth" and "telemedicine" mean the same as those terms
20 are defined by section 1 of P.L.2017, c.117 (C.45:1-61).

21

22 2. The Commissioner of Health and the Commissioner of
23 Human Services shall adopt rules and regulations, pursuant to the
24 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
25 seq.), as may be necessary to implement the provisions of this act.

26

27 3. The Commissioner of Human Services shall apply for such
28 State plan amendments or waivers as may be necessary to
29 implement the provisions of this act and to secure federal financial
30 participation for State Medicaid expenditures under the federal
31 Medicaid program.

32

33 4. This act shall take effect immediately.

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36 STATEMENT

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38 This bill requires the Commissioner of Health to authorize
39 licensed adult day health services facilities to provide adult day
40 health services on a remote basis to individuals enrolled or
41 participating in, or receiving adult day health services from, the
42 facility, who are unable or unwilling to receive services from the
43 facility on an in-person basis. The facility will be required to make
44 all services that it provides on an in-person basis available
45 remotely, provided the service can be safely and effectively
46 provided on a remote basis.

1 The remote services that a facility may provide may include, but
2 will not be limited to:

3 1) daily wellness checks conducted using telemedicine or
4 telehealth that include screenings for, and the assessment of, the
5 enrollee's current needs and status, which may include screenings
6 for food insecurity, the need for assistance with self-care and
7 activities of daily living, medication supply and adherence to daily
8 medication regimens, signs or symptoms of physical illness,
9 changes in the enrollee's home environment, and changes in the
10 enrollee's mood or behavior;

11 2) access to services provided by licensed or certified health
12 care professionals, including, but not limited to: nursing care,
13 social work, dietician and nutrition services, pharmacy consultant
14 services, and therapeutic recreation;

15 3) delivery of ready-to-eat meals, which is to be provided upon
16 request and at no additional cost to the enrollee;

17 4) delivery of activity packets for therapeutic recreation as well
18 as other items and materials as may be needed; and

19 5) transportation to and from, and coordination of, daily
20 medical appointments.

21 Remote adult day health services provided to an enrollee under
22 the bill may be billed for, and will be subject to reimbursement at,
23 the same rate as would apply to those services when provided in
24 person, provided the facility provides written documentation of
25 each service provided and all remote services interactions are
26 identified in the enrollee's care plan.

27 Nothing in the bill will authorize an adult day health services
28 facility to exceed its authorized capacity to provide services to
29 enrollees.

30 The bill requires the Commissioner of Human Services to apply
31 for such State plan amendments or waivers as may be necessary to
32 implement the provisions of the bill and to secure federal financial
33 participation for State Medicaid expenditures under the federal
34 Medicaid program.

35 In order to meet enrollee needs and ensure continuity of care
36 during the coronavirus disease 2019 (COVID-19) pandemic,
37 starting in March 2020, adult day health services providers were
38 authorized to provide adult day health services on a remote basis.
39 This period demonstrated that adult day services can be safely and
40 effectively provided on a remote basis. Although New Jersey has
41 lifted many of the capacity and indoor services restrictions imposed
42 in response to the COVID-19 pandemic, there is an ongoing need
43 for access to remote adult day health services, as many enrollees in
44 adult day health services programs are unable or unwilling to
45 consistently receive those services on an in-person basis, for
46 reasons that include ongoing capacity and social distancing

1 restrictions, hospitalizations and emergency department visits, self-
2 isolation due to illness, fear of exposure to communicable disease,
3 behavioral health conditions such as anxiety and depression,
4 transportation issues, inclement weather, and religious observance.
5 Individuals receiving adult day health services require access to
6 those services on a consistent and ongoing basis. It is the sponsor's
7 belief that it is therefore essential that adult day services providers
8 retain the ability to provide adult day health services remotely, and
9 to be reimbursed for remote services at the same rate as applies
10 when the services are provided on an in-person basis.