

**30:4D-7mm & 30:4D-7nn; Sec.4 Appropriation
LEGISLATIVE HISTORY CHECKLIST**

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LAWS OF: 2023 **CHAPTER:** 80

NJSA: 30:4D-7mm & 30:4D-7nn; Sec.4 Appropriation Codifies and increases under certain circumstances, current minimum Medicaid per diem reimbursement rates for assisted living residences, comprehensive personal care homes, and assisted living programs; makes appropriation.

BILL NO: S405 (Substituted for A590)

SPONSOR(S) Johnson, Gordon M. and others

DATE INTRODUCED: 1/11/2022

COMMITTEE: **ASSEMBLY:** --
SENATE: Health, Human Services & Senior Citizens
Budget & Appropriations

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** 6/30/2023
SENATE: 6/30/2023

DATE OF APPROVAL: 6/30/2023

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (S405 ScaSca (2R) enacted) Yes

S405

INTRODUCED BILL: (Includes sponsor(s) statement) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No
SENATE: Yes Health, Human Services & Senior Citizens
Budget & Appropriations

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: Yes 03/22/2023
07/06/2023

A590

INTRODUCED BILL: (Includes sponsor(s) statement)	Yes	
COMMITTEE STATEMENT:	ASSEMBLY:	Yes Aging & Senior Services Appropriations Oversight, Reform & Federal Relations
	SENATE:	No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT:	No	
LEGISLATIVE FISCAL ESTIMATE:	Yes	06/01/2022 06/30/2023

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS:	No
HEARINGS:	No
NEWSPAPER ARTICLES:	No

CL/JA

§§1,2
C.30:4D-7mm
and 30:4D-7nn
§4
Approp.

P.L. 2023, CHAPTER 80, *approved June 30, 2023*
Senate, No. 405 (*Second Reprint*)

1 AN ACT concerning the Medicaid per diem rate for assisted living
2 programs, supplementing Title 30 of the Revised Statutes, and
3 making an appropriation.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. a. Notwithstanding the provisions of any other law or
9 regulation to the contrary ¹ [:

10 (1) ¹ commencing upon the effective date of P.L. ,
11 c. (C.) (pending before the Legislature as this bill), assisted
12 living ¹ [facilities] residences¹ , comprehensive personal care
13 homes, and assisted living programs shall receive a per diem rate of
14 no less than ¹ [\$94, \$84, and \$73] \$89.50, \$79.50, and ² [\$69.50¹]
15 \$89.50² , respectively, as reimbursement for each Medicaid
16 beneficiary under the ¹ [facilities, provided that the facility has a
17 Medicaid population in excess of 50 percent of the facility's bed
18 capacity, as reported to the Department of Health care;

19 (2) commencing upon July 1, 2022, assisted living facilities,
20 comprehensive personal care homes, and assisted living programs
21 shall receive a per diem rate of no less than \$104, \$92, and \$81,
22 respectively, as reimbursement for each Medicaid beneficiary under
23 the facilities care, provided that the facility has a Medicaid
24 population in excess of 50 percent of the facility's bed capacity, as
25 reported to the Department of Health; and

26 (3) commencing upon July 1, 2023 and in each subsequent fiscal
27 year, assisted living facilities, comprehensive personal care homes,
28 and assisted living programs shall receive a per diem rate of no less
29 than \$114, \$104, and \$94, respectively, as reimbursement for each
30 Medicaid beneficiary under the facilities care, provided that the
31 facility has a Medicaid population in excess of 50 percent of the
32 facility's bed capacity, as reported to the Department of Health] **care of the residence, home, or program, as applicable.**

33 ²b.² In addition ²to the minimum per diem rates established
34 pursuant to subsection a. of this section² , assisted living residences
35 and comprehensive personal care homes shall receive an increased
36

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:

¹Senate SHH committee amendments adopted March 6, 2023.

²Senate SBA committee amendments adopted June 27, 2023.

1 per diem rate based on the percentage of residents who are
2 Medicaid beneficiaries ²[,]. Rate increases for assisted living
3 residences and comprehensive personal care homes shall be² as
4 follows:

5 (1) in the case of an assisted living residence or comprehensive
6 personal care home ²that is not a Medicaid partner community as
7 described pursuant to subsection d. of this section, the following
8 rate increases shall apply:

9 (a) those assisted living residences and comprehensive personal
10 care homes² with a population of Medicaid beneficiaries that is at
11 least 15 percent but less than 30 percent of the total resident
12 population ²[, the] shall receive a² per diem rate ²[shall be] that is²
13 \$10 higher than the minimum per diem rate established under
14 ²[this]² subsection ²a. of this section² ;

15 ²[(2) in the case of an assisted living residence or
16 comprehensive personal care home] (b) those assisted living
17 residences and comprehensive personal care homes² with a
18 population of Medicaid beneficiaries that is at least 30 percent but
19 less than 50 percent of the total resident population ²[, the] shall
20 receive a² per diem rate ²[shall be] that is² \$15 higher than the
21 minimum per diem rate established under ²[this]² subsection ²a. of
22 this section²;

23 ²[(3) in the case of an assisted living residence or
24 comprehensive personal care home] (c) those assisted living
25 residences and comprehensive personal care homes² with a
26 population of Medicaid beneficiaries that is at least 50 percent but
27 less than 70 percent of the total resident population ²[, the] shall
28 receive a² per diem rate ²[shall be] that is² \$30 higher than the
29 minimum per diem rate established under ²[this]² subsection ²a. of
30 this section² ; and

31 ²[(4) in the case of an assisted living residence or
32 comprehensive personal care home] (d) those assisted living
33 residences and comprehensive personal care homes² with a
34 population of Medicaid beneficiaries that is at least 70 percent ²[,
35 the] shall receive a² per diem rate ²[shall be] that is² \$35 higher
36 than the minimum per diem rate established under ²[this]²
37 subsection¹ ²a. of this section².

38 ²(2) in the case of an assisted living residence or comprehensive
39 personal care home that is a Medicaid partner community as
40 described pursuant to subsection d. of this section, a per diem rate
41 that is \$35 higher than the minimum per diem rate established under
42 subsection a. of this section shall apply.²

1 ²**[b]**² ¹For the purposes of subsection ²**[a.] b.**² of this section,
2 the population ²percentage² of Medicaid beneficiaries at an assisted
3 living residence or comprehensive personal care home shall be
4 determined on a ²**[quarterly]** yearly² basis using the average
5 ²**[daily]**² census of Medicaid beneficiaries at the assisted living
6 residence or comprehensive personal care home during ²**[that**
7 quarter] the measurement period, as determined by paid claims,²
8 measured against the total number of licensed beds approved for the
9 assisted living residence or comprehensive personal care home by
10 the Department of Health.

11 ²**[c.1]** d. For the purposes of applying the per diem rate
12 established pursuant to paragraph (2) of subsection b. of this
13 section, an assisted living residence or comprehensive personal care
14 home shall be deemed to be a Medicaid partner community if the
15 assisted living residence or comprehensive personal care home:

16 (1) has participated in the NJ FamilyCare program for two or
17 fewer cycles of the yearly rate measurement period described in
18 subsection c. of this section or has submitted its first NJ FamilyCare
19 claim within the preceding 18 months, whichever period is longer;

20 (2) has provided NJ FamilyCare with a valid land use restriction
21 agreement encumbering the applicable facility site, which land use
22 restriction agreement limits the use of the facility to serving low-
23 income residents such that 100 percent of residents are required to
24 have an annual income that is below 80 percent of the area median
25 income;

26 (3) has not met the requirements in paragraphs (1) or (2) solely
27 as the result of a name change or change of ownership; and

28 (4) meets such other requirements as may be required by the
29 Commissioner of Human Services.

30 e.² As used in this act ²**[,]**:

31 “Area median income” means the median income by household
32 size for an applicable county as determined by the division.

33 “Division” means the Division of Medical Assistance and Health
34 Services in the Department of Human Services.

35 “NJ FamilyCare” means the program established pursuant to
36 P.L.2005, c.156 (C.30:4J-8 et al.), which includes the State’s
37 Medicaid Program and the Children’s Health Insurance Program.²

38 “Medicaid” means the Medicaid program established pursuant to
39 P.L.1968, c.413 (C.30:4D-1 et seq.).

40

41 2. The Commissioner of Human Services shall apply for such
42 State plan amendments or waivers as may be necessary to
43 implement the provisions of this act and to secure federal financial
44 participation for State Medicaid expenditures under the federal
45 Medicaid program.

1 3. The Commissioner of Human Services shall adopt rules and
2 regulations pursuant to the "Administrative Procedure Act"
3 P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the purposes of
4 this act.

5

6 4. There is appropriated from the General Fund to the
7 Department of Human Services such an amount as is necessary, as
8 determined by the Commissioner of Human Services, to effectuate
9 the provisions of this act.

10

11 5. This act shall take effect immediately.

12

13

14

15

16 Codifies, and increases under certain circumstances, current
17 minimum Medicaid per diem reimbursement rates for assisted
18 living residences, comprehensive personal care homes, and assisted
19 living programs; makes appropriation.

SENATE, No. 405

STATE OF NEW JERSEY 220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Senator GORDON M. JOHNSON

District 37 (Bergen)

Senator ROBERT W. SINGER

District 30 (Monmouth and Ocean)

Co-Sponsored by:

Senators Diegnan and Testa

SYNOPSIS

Increases, over three years, Medicaid per diem rate for certain assisted living residences, comprehensive care homes, and assisted living programs; makes appropriation.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 6/9/2022)

1 AN ACT concerning the Medicaid per diem rate for assisted living
2 programs, supplementing Title 30 of the Revised Statutes, and
3 making an appropriation.
4

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

7
8 1. a. Notwithstanding the provisions of any other law or
9 regulation to the contrary:

10 (1) commencing upon the effective date of P.L. ,c. (C.)
11 (pending before the Legislature as this bill), assisted living
12 facilities, comprehensive personal care homes, and assisted living
13 programs shall receive a per diem rate of no less than \$94, \$84, and
14 \$73, respectively, as reimbursement for each Medicaid beneficiary
15 under the facilities care, provided that the facility has a Medicaid
16 population in excess of 50 percent of the facility's bed capacity, as
17 reported to the Department of Health;

18 (2) commencing upon July 1, 2022, assisted living facilities,
19 comprehensive personal care homes, and assisted living programs
20 shall receive a per diem rate of no less than \$104, \$92, and \$81,
21 respectively, as reimbursement for each Medicaid beneficiary under
22 the facilities care, provided that the facility has a Medicaid
23 population in excess of 50 percent of the facility's bed capacity, as
24 reported to the Department of Health; and

25 (3) commencing upon July 1, 2023 and in each subsequent fiscal
26 year, assisted living facilities, comprehensive personal care homes,
27 and assisted living programs shall receive a per diem rate of no less
28 than \$114, \$104, and \$94, respectively, as reimbursement for each
29 Medicaid beneficiary under the facilities care, provided that the
30 facility has a Medicaid population in excess of 50 percent of the
31 facility's bed capacity, as reported to the Department of Health.

32 b. As used in this act, "Medicaid" means the Medicaid program
33 established pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).
34

35 2. The Commissioner of Human Services shall apply for such
36 State plan amendments or waivers as may be necessary to
37 implement the provisions of this act and to secure federal financial
38 participation for State Medicaid expenditures under the federal
39 Medicaid program.
40

41 3. The Commissioner of Human Services shall adopt rules and
42 regulations pursuant to the "Administrative Procedure Act"
43 P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the purposes of
44 this act.

1 4. There is appropriated from the General Fund to the
2 Department of Human Services such an amount as is necessary, as
3 determined by the Commissioner of Human Services, to effectuate
4 the provisions of this act.

5
6 5. This act shall take effect immediately.
7
8

9 STATEMENT
10

11 This bill increases, over three years, the Medicaid per diem rate
12 for assisted living facilities, comprehensive personal care homes,
13 and assisted living programs, provided that the facility has a
14 Medicaid population in excess of 50 percent of the facility's bed
15 capacity, as reported to the Department of Health. Assisted living
16 communities are a unique option for older adults who need
17 assistance with daily living activities, but who do not require the
18 intensive medical care of more costly nursing home facilities.
19 However, the services provided at assisted living communities are
20 still essential to the health and well-being of the resident. The most
21 common assisted living services offered include medication
22 management and assistance with using the bathroom, dressing and
23 grooming. Housekeeping, meals, laundry and transportation
24 services, as well as social programs and activities, are also typically
25 included. It is the sponsor's goal to ensure that these programs are
26 supported adequately under the Medicaid program; thereby
27 providing the State's low-income seniors with a cost-effective
28 approach to long-term care that meets their service needs.

29 Specifically, this bill provides, notwithstanding the provisions of
30 any other law or regulation to the contrary, that:

31 1) commencing upon the effective date of the bill, assisted
32 living facilities, comprehensive personal care homes, and assisted
33 living programs are to receive a per diem rate of no less than \$94,
34 \$84, and \$73, respectively, as reimbursement for each Medicaid
35 beneficiary under the facilities care, provided that the facility has a
36 Medicaid population in excess of 50 percent of the facility's bed
37 capacity, as reported to the Department of Health;

38 2) commencing upon July 1, 2022, assisted living facilities,
39 comprehensive personal care homes, and assisted living programs
40 are to receive a per diem rate of no less than \$104, \$92, and \$81,
41 respectively, as reimbursement for each Medicaid beneficiary under
42 the facilities care, provided that the facility has a Medicaid
43 population in excess of 50 percent of the facility's bed capacity, as
44 reported to the Department of Health; and

45 3) commencing upon July 1, 2023 and in each subsequent fiscal
46 year, assisted living facilities, comprehensive personal care homes,

S405 JOHNSON, SINGER

4

1 and assisted living programs are to receive a per diem rate of no
2 less than \$114, \$104, and \$94, respectively, as reimbursement for
3 each Medicaid beneficiary under the facilities care, provided that
4 the facility has a Medicaid population in excess of 50 percent of the
5 facility's bed capacity, as reported to the Department of Health.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 405

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 6, 2023

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Senate Bill No. 405.

As amended by the committee, this bill codifies the current minimum per diem reimbursement rates for Medicaid beneficiaries residing in assisted living residences, comprehensive personal care homes, and assisted living programs, as established in the FY 2023 appropriations act. As amended, the bill also provides for an increased per diem rate for assisted living residences and comprehensive personal care homes based on Medicaid population.

Specifically, the bill provides that the minimum per diem rate for Medicaid beneficiaries residing in an assisted living residence, comprehensive personal care home, or assisted living program will be \$89.50, \$79.50, and \$69.50, respectively. An assisted living residence or comprehensive personal care home will be eligible for an increased reimbursement rate as follows:

1) in the case of an assisted living residence or comprehensive personal care home with a population of Medicaid beneficiaries that is at least 15 percent but less than 30 percent of the total resident population, the per diem rate will be \$10 higher than the minimum per diem rate, or \$99.50 for an assisted living residence and \$89.50 for a comprehensive personal care home;

(2) in the case of an assisted living residence or comprehensive personal care home with a population of Medicaid beneficiaries that is at least 30 percent but less than 50 percent of the total resident population, the per diem rate will be \$15 higher than the minimum per diem rate, or \$104.50 for an assisted living residence and \$94.50 for a comprehensive personal care home;

(3) in the case of an assisted living residence or comprehensive personal care home with a population of Medicaid beneficiaries that is at least 50 percent but less than 70 percent of the total resident population, the per diem rate will be \$30 higher than the minimum per diem rate, or \$119.50 for an assisted living residence and \$109.50 for a comprehensive personal care home; and

(4) in the case of an assisted living residence or comprehensive personal care home with a population of Medicaid beneficiaries that is at least 70 percent, the per diem rate will be \$35 higher than the minimum per diem rate, or \$124.50 for an assisted living residence and \$114.50 for a comprehensive personal care home.

For the purposes of determining whether an assisted living residence or comprehensive personal care home qualifies for an increased reimbursement rate, and which rate the residence or home qualifies for, the Medicaid population percentage will be calculated on a quarterly basis by measuring the average daily census of Medicaid beneficiaries during that quarter against the total number of licensed beds approved for the assisted living residence or personal care home by the Department of Health.

The bill appropriates from the General Fund to the Department of Human Services such an amount as is necessary, as determined by the Commissioner of Human Services, to effectuate the provisions of the bill. The Commissioner of Human Services will be required to apply for such State plan amendments or waivers as may be necessary to implement the provisions of the bill and to secure federal financial participation for State Medicaid expenditures under the federal Medicaid program.

This bill was prefiled for introduction in the 2022-2023 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS:

The committee amendments replace the provisions of the bill that would have established certain minimum per diem reimbursement rates for Medicaid beneficiaries, with annual increases over the next two years, with language codifying the reimbursement rates that were established under the FY 2023 appropriations act.

The committee amendments remove a requirement that facilities have a minimum Medicaid population of 50 percent to be eligible for the minimum reimbursement rate, and instead provide for tiered increases to the minimum reimbursement rate for assisted living residences and comprehensive personal care homes based on the percentage of residents who are Medicaid beneficiaries. The amendments specify the formula to be used to calculate the percentage of Medicaid residents at an assisted living residence or comprehensive personal care home.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 405

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 27, 2023

The Senate Budget and Appropriations Committee reports favorably and with committee amendments Senate Bill No. 405 (1R).

As amended by the committee, this bill codifies the current minimum per diem reimbursement rates for Medicaid beneficiaries residing in assisted living residences, comprehensive personal care homes, and assisted living programs, as established in the FY 2023 Appropriations Act. Specifically, the bill provides that the minimum per diem rate for Medicaid beneficiaries residing in an assisted living residence, comprehensive personal care home, or assisted living program will be \$89.50, \$79.50, and \$89.50, respectively.

As amended, the bill also provides an increased per diem rate for assisted living residences and comprehensive personal care homes, based on the percentage of residents who are Medicaid enrollees. In providing increased per diem rates, based on a facility's Medicaid population, the bill distinguishes between assisted living residences and comprehensive personal care homes that constitute a Medicaid partner community and those that do not.

The bill, as amended, provides that a Medicaid partner community is a facility that: 1) has participated in the NJ FamilyCare program for two or fewer cycles of the annual rate measurement period, established under the bill, or has submitted its first NJ FamilyCare claim within the preceding 18 months, whichever period is longer; 2) has provided the NJ FamilyCare program with a valid land use restriction agreement, which agreement requires the facility to serve only low-income residents, such that all residents of the facility have an income below 80 percent of the area median income; 3) has not meet the prior two conditions solely through a facility name change or a change in ownership; and, 4) meets any other requirements established by the Commissioner of Human Services.

The bill, as amended, specifies that the following rate increases will apply for an assisted living residence or personal care home that is not a Medicaid partner community:

1) for a facility with a Medicaid population that comprises at least 15 percent and less than 30 percent of the facility's total resident population, \$10.00 above the minimum per diem rate established under the bill, or \$99.50 for an assisted living residence and \$89.50 for a comprehensive personal care home;

2) for a facility with a Medicaid population that comprises at least 30 percent and less than 50 percent of the facility's total resident population, \$15.00 above the minimum per diem rate established under the bill, or \$104.50 for an assisted living residence and \$94.50 for a comprehensive personal care home;

3) for a facility with a Medicaid population that comprises at least 50 percent and less than 70 percent of the facility's total resident population, \$30.00 above the minimum per diem rate established under the bill, or \$119.50 for an assisted living residence and \$109.50 for a comprehensive personal care home; and

4) for a facility with a Medicaid resident population that comprises at least 70 percent of the facility's total resident population, \$35.00 above the minimum per diem rate established under the bill, or \$124.50 for an assisted living residence and \$114.50 for a comprehensive personal care home.

For the purposes of the bill, the percentage of residents who are Medicaid beneficiaries will be calculated annually, using the average census of Medicaid residents at the facility during the measurement period, as determined by paid claims, measured against the total number of licensed beds approved for the facility by the Department of Health.

The bill, as amended, also provides that an assisted living residence or comprehensive personal care home that is a Medicaid partner community will receive a per diem rate that is \$35.00 above the minimum per diem rate under the bill.

The bill appropriates from the General Fund to the Department of Human Services such an amount as is necessary, as determined by the Commissioner of Human Services, to implement the provisions of the bill.

COMMITTEE AMENDMENTS:

The committee amendments correct a reference to the Medicaid reimbursement rate for assisted living programs, as established under the FY23 appropriations act, which is \$89.50.

The committee amendments establish two different sets of increased Medicaid per diem rates over the minimum per diem rates established under the bill, with one standard per diem rate increase of \$35.00 applying to facilities that constitute a Medicaid partner community, and a tiered series of per diem rate increases ranging from

\$10.00 to \$35.00 applying to facilities that do not constitute a Medicaid partner community.

The committee amendments add language setting forth the conditions under which an assisted living residence or a comprehensive personal care home will be identified as a Medicaid partner community.

The committee amendments revise the formula for calculating the average Medicaid population for the purposes of the bill, to use the total average patient census at the facility during the measurement period, as determined by paid claims, measured against the total number of licensed beds approved for the facility by the Department of Health, instead of the total number of licensed beds approved for the facility.

The committee amendments add definitions for “area median income” and “NJ FamilyCare.”

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that this bill will result in an indeterminate increase in State Medicaid costs due to the implementation of an enhanced Medicaid reimbursement rate for those assisted living residences or comprehensive care homes that are Medicaid partner communities, as defined under the bill. Generally, this enhanced rate will temporarily provide newly built and licensed facilities, who plan to serve mainly Medicaid residents, the maximum enhanced Medicaid reimbursement rate currently allowed by the department while the facility works towards meeting its residential capacity. As a Medicaid expenditure, this provision will also increase State revenue in the form of federal Medicaid reimbursements.

The OLS notes that the other provisions of the bill regarding the base per diem rate, as well as the tiered enhancements to those rates based upon a facility’s Medicaid census, will have no revenue or expenditure impact on the State as those provisions of the bill codify existing State policy. According to the department, these provisions of the bill, as well as a \$20 increase in the existing per diem rate for assisted living programs are projected to utilize \$6.5 million in State funds and \$6.5 million in federal funds annually.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 405

STATE OF NEW JERSEY 220th LEGISLATURE

DATED: MARCH 22, 2023

SUMMARY

- Synopsis:** Codifies and increases under certain circumstances, current minimum Medicaid per diem reimbursement rates for assisted living residences, comprehensive personal care homes, and assisted living programs; makes appropriation.
- Type of Impact:** No State fiscal impact.
- Agencies Affected:** Department of Human Services.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Expenditure	No fiscal impact
State Revenue	No fiscal impact

- The Office of Legislative Services (OLS) determines that the bill will have no revenue or expenditure impact on the State as the provisions of the bill codify existing State policy. According to the department, the provisions of the bill, as well as a \$20 increase in the existing per diem rate for assisted living programs, are projected to utilize \$6.5 million in State funds and \$6.5 million in federal funds annually.

BILL DESCRIPTION

The bill provides that the minimum per diem rate for Medicaid beneficiaries residing in an assisted living residence, comprehensive personal care home, or assisted living program will be \$89.50, \$79.50, and \$69.50, respectively.

The bill also increases the reimbursement rate for an assisted living residence or comprehensive personal care home based on Medicaid population. Under the bill, in the case of an assisted living residence or comprehensive personal care home with a population of Medicaid beneficiaries that is at least:

- 1) 15 percent but less than 30 percent of the total resident population, the per diem rate will be \$99.50 for an assisted living residence and \$89.50 for a comprehensive personal care home;

2) 30 percent but less than 50 percent of the total resident population, the per diem rate will be \$104.50 for an assisted living residence and \$94.50 for a comprehensive personal care home;

3) 50 percent but less than 70 percent of the total resident population, the per diem rate will be \$119.50 for an assisted living residence and \$109.50 for a comprehensive personal care home; and

4) 70 percent up to 100 percent, the per diem rate will be \$124.50 for an assisted living residence and \$114.50 for a comprehensive personal care home.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS determines that the bill will have no revenue or expenditure impact on the State as the provisions of the bill codify existing State policy. Specifically, the bill codifies: 1) the current minimum per diem reimbursement rates for Medicaid beneficiaries residing in assisted living residences, comprehensive personal care homes, and assisted living programs, as established in the FY 2023 Appropriations Act; and 2) the increased per diem rates for assisted living residences and comprehensive personal care homes based on Medicaid population per the Department of Human Services Medicaid Newsletter Vol. 32, No. 21. Both of these policies were implemented as of July 1, 2022. According to the department, these policies, as well as a \$20 increase in the existing per diem rate for assisted living programs, are projected to utilize \$6.5 million in State funds and \$6.5 million in federal funds annually.

Section: Human Services

Analyst: Sarah Schmidt
Lead Research Analyst

Approved: Thomas Koenig
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

SENATE, No. 405

STATE OF NEW JERSEY 220th LEGISLATURE

DATED: JULY 6, 2023

SUMMARY

- Synopsis:** Codifies, and increases under certain circumstances, current minimum Medicaid per diem reimbursement rates for assisted living residences, comprehensive personal care homes, and assisted living programs; makes appropriation.
- Type of Impact:** Annual increase in State expenditures and revenue; General Fund.
- Agencies Affected:** Department of Human Services.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Cost Increase	Indeterminate
State Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) estimates that this bill will result in an indeterminate increase in State Medicaid costs due to the implementation of an enhanced Medicaid reimbursement rate for those assisted living residences or comprehensive care homes that are Medicaid partner communities, as defined under the bill. Generally, this enhanced rate will temporarily provide newly built and licensed facilities, which plan to mainly serve Medicaid residents, the maximum enhanced Medicaid reimbursement rate currently allowed by the department while the facility works towards meeting its residential capacity. As a Medicaid expenditure, this provision will also increase annual State revenue in the form of federal Medicaid reimbursements.
- The OLS notes that the other provisions of the bill establishing base per diem rates, as well as the tiered enhancements to those rates based upon a facility's Medicaid census, will have no revenue or expenditure impact on the State as those provisions of the bill codify existing State policy. According to the department, these provisions of the bill are projected to cost the State \$13.0 million annually, offset by a \$6.5 million increase in State revenue in the form of federal Medicaid reimbursements, for a net State cost of \$6.5 million.

BILL DESCRIPTION

The bill provides that the minimum per diem rate for Medicaid beneficiaries residing in an assisted living residence, comprehensive personal care home, or assisted living program will be \$89.50, \$79.50, and \$89.50, respectively.

The bill also increases the reimbursement rate for an assisted living residence or comprehensive personal care home based on the percentage of residents who are Medicaid enrollees. In providing increased per diem rates, the bill distinguishes between assisted living residences and comprehensive personal care homes that constitute a Medicaid partner community and those that do not. A Medicaid partner community is a facility that: 1) has participated in the NJ FamilyCare program for two or fewer cycles of the annual rate measurement period, established under the bill, or has submitted its first NJ FamilyCare claim within the preceding 18 months, whichever period is longer; 2) has provided the NJ FamilyCare program with a valid land use restriction agreement, which agreement requires the facility to serve only low-income residents, such that all residents of the facility have an income below 80 percent of the area median income; 3) has not met the prior two conditions solely through a facility name change or a change in ownership; and, 4) meets any other requirements established by the Commissioner of Human Services.

Under the bill, in the case of an assisted living residence or comprehensive personal care home that is not a Medicaid partner community and with a population of Medicaid beneficiaries that is at least:

- 1) 15 percent but less than 30 percent of the total resident population, the per diem rate will be \$99.50 for an assisted living residence and \$89.50 for a comprehensive personal care home;
- 2) 30 percent but less than 50 percent of the total resident population, the per diem rate will be \$104.50 for an assisted living residence and \$94.50 for a comprehensive personal care home;
- 3) 50 percent but less than 70 percent of the total resident population, the per diem rate will be \$119.50 for an assisted living residence and \$109.50 for a comprehensive personal care home; and
- 4) 70 percent up to 100 percent, the per diem rate will be \$124.50 for an assisted living residence and \$114.50 for a comprehensive personal care home.

The bill also provides that an assisted living residence or comprehensive personal care home that is a Medicaid partner community will receive a per diem rate that is \$35.00 above the minimum per diem rate under the bill.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that this bill will result in an indeterminate increase in State Medicaid costs due to the implementation of an enhanced Medicaid reimbursement rate for those assisted living residences or comprehensive care homes that are Medicaid partner communities, as defined under the bill. Generally, this enhanced rate will temporarily provide newly built and licensed facilities, which plan to mainly serve Medicaid residents, the maximum enhanced Medicaid reimbursement rate currently allowed by the department while the facility works towards meeting its residential

capacity. As a Medicaid expenditure, this provision will also increase annual State revenue in the form of federal Medicaid reimbursements.

For context, the Department of Health website indicates that the State currently licenses 172 assisted living residences and comprehensive personal care homes that accept Medicaid beneficiaries. However, the OLS cannot determine the number of facilities and residents that would qualify for the enhanced Medicaid reimbursement rate as a Medicaid partner community, or how this number may grow under the provisions of the bill.

The OLS notes that the other provisions of the bill establishing base per diem rates, as well as the tiered enhancements to those rates based upon a facility's Medicaid census, will have no revenue or expenditure impact on the State as those provisions of the bill codify existing State policy. Specifically, the bill codifies: 1) the current minimum per diem reimbursement rates for Medicaid beneficiaries residing in assisted living residences, comprehensive personal care homes, and assisted living programs, as established in the FY 2023 Appropriations Act; and 2) the \$20.00 assisted living program base rate increase on the \$69.50 per diem rate established in the FY 2023 Appropriations Act and the increased per diem rates for assisted living residences and comprehensive personal care homes based on Medicaid population per the Department of Human Services Medicaid Newsletter Vol. 32, No. 21. All of these policies were implemented as of July 1, 2022. According to the department, these provisions of the bill are projected to cost the State \$13.0 million annually, offset by a \$6.5 million increase in State revenue in the form of federal Medicaid reimbursements, for a net State cost of \$6.5 million.

Section: Human Services

*Analyst: Sarah Schmidt
Lead Research Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY, No. 590

STATE OF NEW JERSEY

220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Assemblyman WILLIAM W. SPEARMAN

District 5 (Camden and Gloucester)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Assemblywoman SHAMA A. HAIDER

District 37 (Bergen)

Co-Sponsored by:

Assemblyman Mukherji, Assemblywoman Reynolds-Jackson,

Assemblyman Benson and Assemblywoman Park

SYNOPSIS

Increases, over three years, Medicaid per diem rate for certain assisted living residences, comprehensive care homes, and assisted living programs; makes appropriation.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 5/9/2022)

A590 SPEARMAN, MCKNIGHT

2

1 AN ACT concerning the Medicaid per diem rate for assisted living
2 programs, supplementing Title 30 of the Revised Statutes, and
3 making an appropriation.
4

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

7
8 1. a. Notwithstanding the provisions of any other law or
9 regulation to the contrary:

10 (1) commencing upon the effective date of P.L. ,c. (C.)
11 (pending before the Legislature as this bill), assisted living
12 facilities, comprehensive personal care homes, and assisted living
13 programs shall receive a per diem rate of no less than \$94, \$84, and
14 \$73, respectively, as reimbursement for each Medicaid beneficiary
15 under the facilities care, provided that the facility has a Medicaid
16 population in excess of 50 percent of the facility's bed capacity, as
17 reported to the Department of Health;

18 (2) commencing upon July 1, 2022, assisted living facilities,
19 comprehensive personal care homes, and assisted living programs
20 shall receive a per diem rate of no less than \$104, \$92, and \$81,
21 respectively, as reimbursement for each Medicaid beneficiary under
22 the facilities care, provided that the facility has a Medicaid
23 population in excess of 50 percent of the facility's bed capacity, as
24 reported to the Department of Health; and

25 (3) commencing upon July 1, 2023 and in each subsequent fiscal
26 year, assisted living facilities, comprehensive personal care homes,
27 and assisted living programs shall receive a per diem rate of no less
28 than \$114, \$104, and \$94, respectively, as reimbursement for each
29 Medicaid beneficiary under the facilities care, provided that the
30 facility has a Medicaid population in excess of 50 percent of the
31 facility's bed capacity, as reported to the Department of Health.

32 b. As used in this act, "Medicaid" means the Medicaid program
33 established pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).
34

35 2. The Commissioner of Human Services shall apply for such
36 State plan amendments or waivers as may be necessary to
37 implement the provisions of this act and to secure federal financial
38 participation for State Medicaid expenditures under the federal
39 Medicaid program.
40

41 3. The Commissioner of Human Services shall adopt rules and
42 regulations pursuant to the "Administrative Procedure Act"
43 P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the purposes of
44 this act.
45

46 4. There is appropriated from the General Fund to the
47 Department of Human Services such an amount as is necessary, as
48 determined by the Commissioner of Human Services, to effectuate
49 the provisions of this act.

1 5. This act shall take effect immediately.

2

3

4

STATEMENT

5

6 This bill increases, over three years, the Medicaid per diem rate
7 for assisted living facilities, comprehensive personal care homes,
8 and assisted living programs, provided that the facility has a
9 Medicaid population in excess of 50 percent of the facility's bed
10 capacity, as reported to the Department of Health. Assisted living
11 communities are a unique option for older adults who need
12 assistance with daily living activities, but who do not require the
13 intensive medical care of more costly nursing home facilities.
14 However, the services provided at assisted living communities are
15 still essential to the health and well-being of the resident. The most
16 common assisted living services offered include medication
17 management and assistance with using the bathroom, dressing and
18 grooming. Housekeeping, meals, laundry and transportation
19 services, as well as social programs and activities, are also typically
20 included. It is the sponsor's goal to ensure that these programs are
21 supported adequately under the Medicaid program; thereby
22 providing the State's low-income seniors with a cost-effective
23 approach to long-term care that meets their service needs.

24 Specifically, this bill provides, notwithstanding the provisions of
25 any other law or regulation to the contrary, that:

26 1) commencing upon the effective date of the bill, assisted
27 living facilities, comprehensive personal care homes, and assisted
28 living programs are to receive a per diem rate of no less than \$94,
29 \$84, and \$73, respectively, as reimbursement for each Medicaid
30 beneficiary under the facilities care, provided that the facility has a
31 Medicaid population in excess of 50 percent of the facility's bed
32 capacity, as reported to the Department of Health;

33 2) commencing upon July 1, 2022, assisted living facilities,
34 comprehensive personal care homes, and assisted living programs
35 are to receive a per diem rate of no less than \$104, \$92, and \$81,
36 respectively, as reimbursement for each Medicaid beneficiary under
37 the facilities care, provided that the facility has a Medicaid
38 population in excess of 50 percent of the facility's bed capacity, as
39 reported to the Department of Health; and

40 3) commencing upon July 1, 2023 and in each subsequent fiscal
41 year, assisted living facilities, comprehensive personal care homes,
42 and assisted living programs are to receive a per diem rate of no
43 less than \$114, \$104, and \$94, respectively, as reimbursement for
44 each Medicaid beneficiary under the facilities care, provided that
45 the facility has a Medicaid population in excess of 50 percent of the
46 facility's bed capacity, as reported to the Department of Health.

ASSEMBLY AGING AND SENIOR SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 590

STATE OF NEW JERSEY

DATED: MAY 9, 2022

The Assembly Aging and Senior Services Committee reports favorably Assembly Bill No. 590.

This bill increases, over three years, the Medicaid per diem rate for assisted living facilities, comprehensive personal care homes, and assisted living programs, provided that the facility has a Medicaid population in excess of 50 percent of the facility's bed capacity, as reported to the Department of Health. To effectuate these provisions, the bill also appropriates from the General Fund to the Department of Human Services such an amount as is necessary, as determined by the Commissioner of Human Services.

Specifically, this bill provides, notwithstanding the provisions of any other law or regulation to the contrary, that:

1) commencing upon the effective date of the bill, assisted living facilities, comprehensive personal care homes, and assisted living programs are to receive a per diem rate of no less than \$94, \$84, and \$73, respectively, as reimbursement for each Medicaid beneficiary under the facilities care, provided that the facility has a Medicaid population in excess of 50 percent of the facility's bed capacity, as reported to the Department of Health;

2) commencing upon July 1, 2022, assisted living facilities, comprehensive personal care homes, and assisted living programs are to receive a per diem rate of no less than \$104, \$92, and \$81, respectively, as reimbursement for each Medicaid beneficiary under the facilities care, provided that the facility has a Medicaid population in excess of 50 percent of the facility's bed capacity, as reported to the Department of Health; and

3) commencing upon July 1, 2023 and in each subsequent fiscal year, assisted living facilities, comprehensive personal care homes, and assisted living programs are to receive a per diem rate of no less than \$114, \$104, and \$94, respectively, as reimbursement for each Medicaid beneficiary under the facilities care, provided that the facility has a Medicaid population in excess of 50 percent of the facility's bed capacity, as reported to the Department of Health.

The bill directs the commissioner to apply for such State plan amendments or waivers as may be necessary to implement the provisions of the bill and to secure federal financial participation for State Medicaid expenditures under the federal Medicaid program.

This bill was pre-filed for introduction in the 2022-2023 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 590
STATE OF NEW JERSEY
220th LEGISLATURE

DATED: JUNE 1, 2022

SUMMARY

Synopsis: Increases, over three years, Medicaid per diem rate for certain assisted living residences, comprehensive care homes, and assisted living programs; makes appropriation.

Type of Impact: Annual State expenditure and revenue increases; General Fund

Agencies Affected: Department of Human Services.

Office of Legislative Services Estimate

Fiscal Impact	<u>FY 2023</u>	<u>FY 2024 and Thereafter</u>
State Expenditure Increase	\$766,500	\$2.7 million
State Revenue increase	\$383,250	\$1.35 million

- The Office of Legislative Services (OLS) estimates that this bill will increase gross Medicaid State expenditures by \$766,500 in FY 2023 and \$2.7 million in FY 2024 due to increases in the per diem rate for assisted living facilities, comprehensive personal care homes, and assisted living programs.
- As eligible State Medicaid expenditures are matched 50 percent by federal Medicaid funds, this bill will also increase State revenue by \$383,250 in FY 2023 and \$1.35 million in FY 2024, for a net State cost of \$383,250 in FY 2023 and \$1.35 million in FY 2024. Any State expenditure or revenue increases in FY 2022 will be marginal if the bill is enacted by the end of the current fiscal year.

BILL DESCRIPTION

This bill increases, over three years, the Medicaid per diem rate for assisted living facilities, comprehensive personal care homes, and assisted living programs, provided that the facility has a Medicaid population in excess of 50 percent of the facility's bed capacity, as reported to the Department of Health. Specifically, this bill provides that for such facilities: 1) commencing upon the effective date of the bill, the per diem rate is to be no less than \$94, \$84, and \$73, respectively;

2) commencing upon July 1, 2022, the per diem rate is to be no less than \$104, \$92, and \$81, respectively; and 3) commencing upon July 1, 2023 and in each subsequent fiscal year, the per diem rate is to be no less than \$114, \$104, and \$94, respectively.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that this bill will increase gross Medicaid State expenditures by \$766,500 in FY 2023 and \$2.7 million in FY 2024 due to increases in the per diem rate for assisted living facilities, comprehensive personal care homes, and assisted living programs. As eligible State Medicaid expenditures are matched 50 percent by federal Medicaid funds, this bill will also increase State revenue by \$383,250 in FY 2023 and \$1.35 million in FY 2024, for a net State cost of \$383,250 in FY 2023 and \$1.35 million in FY 2024. Any State expenditure or revenue increases in FY 2022 will be marginal if the bill is enacted by the end of the current fiscal year.

In the FY 2022 Appropriations Act, the Legislature included \$5 million to increase the per diem rate from FY 2021 levels for assisted living facilities, comprehensive personal care homes, and assisted living programs by \$10 to \$87, \$77, and \$67, respectively. These rates reflect the existing Medicaid per diem rates for these providers. Under the bill, per diem rates are to increase from FY 2022 levels by an average of \$15.33 across all provider types in FY 2023, and by an average of \$27.00 across all provider types in FY 2024.

Using this data, this fiscal estimate assumes:

1) The number of Medicaid beds available at assisted living facilities, comprehensive personal care homes, and assisted living programs remains consistent with FY 2022 levels;

2) The enhanced rates established under the bill will affect 5 percent of all beds in FY 2023 and 10 percent of all beds in FY 2024, as a relatively small number of facilities have the required concentrated number of Medicaid beds to qualify for the higher rates. To the extent that more or less beds qualify for the new rates, the cost of the bill will increase or decrease, respectively;

3) The current base rates for all assisted living facilities, comprehensive personal care homes, and assisted living programs is maintained through FY 2024. However, it is possible that those rates will increase. If that occurs, the cost of the bill will be less than provided under this estimate.

The OLS notes that, according to the National Center for Assisted Living, in 2016, there were 21,300 licensed assisted living beds in the State spread across 200 assisted living facilities. Moreover, only 17 percent of residents in assisted living facilities relied on Medicaid for their long-term care. Currently, according to the Department of Health, there are 228 assisted living facilities licensed in the State, making up 83 percent of the 276 facilities impacted by the bill.

Under current law, assisted living residences and comprehensive personal care homes are required to provide 10 percent of the facilities' beds for Medicaid beneficiaries. The impact of this law on the small Medicaid population who receive services via assisted living facilities makes it likely that the number of facilities that have a concentrated Medicaid population in excess of 50 percent of the facility's bed capacity is low, hence the 5 to 10 percent application of the bill's enhanced per diem rates. Furthermore, the OLS attributes the increase in the number of beds that will qualify for the enhanced rate from FY 2023 to FY 2024 to the likelihood that the enhanced rates will incentivize facilities to offer more Medicaid beds.

Section: Human Services

*Analyst: Sarah Schmidt
Senior Research Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 590

STATE OF NEW JERSEY 220th LEGISLATURE

DATED: JUNE 30, 2023

SUMMARY

- Synopsis:** Codifies, and increases under certain circumstances, current minimum Medicaid per diem reimbursement rates for assisted living residences, comprehensive personal care homes, and assisted living programs; makes appropriation.
- Type of Impact:** No State fiscal impact.
- Agencies Affected:** Department of Human Services.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Expenditure	No fiscal impact
State Revenue	No fiscal impact

- The Office of Legislative Services (OLS) determines that the bill will have no revenue or expenditure impact on the State as the provisions of the bill codify existing State policy. According to the department, the provisions of the bill, as well as a \$20 increase in the existing per diem rate for assisted living programs, are projected to utilize \$6.5 million in State funds and \$6.5 million in federal funds annually.

BILL DESCRIPTION

The bill provides that the minimum per diem rate for Medicaid beneficiaries residing in an assisted living residence, comprehensive personal care home, or assisted living program will be \$89.50, \$79.50, and \$69.50, respectively.

The bill also increases the reimbursement rate for an assisted living residence or comprehensive personal care home based on Medicaid population. Under the bill, in the case of an assisted living residence or comprehensive personal care home with a population of Medicaid beneficiaries that is at least:

- 1) 15 percent but less than 30 percent of the total resident population, the per diem rate will be \$99.50 for an assisted living residence and \$89.50 for a comprehensive personal care home;
- 2) 30 percent but less than 50 percent of the total resident population, the per diem rate will be \$104.50 for an assisted living residence and \$94.50 for a comprehensive personal care home;
- 3) 50 percent but less than 70 percent of the total resident population, the per diem rate will be \$119.50 for an assisted living residence and \$109.50 for a comprehensive personal care home; and
- 4) 70 percent up to 100 percent, the per diem rate will be \$124.50 for an assisted living residence and \$114.50 for a comprehensive personal care home.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS determines that the bill will have no revenue or expenditure impact on the State as the provisions of the bill codify existing State policy. Specifically, the bill codifies: 1) the current minimum per diem reimbursement rates for Medicaid beneficiaries residing in assisted living residences, comprehensive personal care homes, and assisted living programs, as established in the FY 2023 Appropriations Act; and 2) the increased per diem rates for assisted living residences and comprehensive personal care homes based on Medicaid population per the Department of Human Services Medicaid Newsletter Vol. 32, No. 21. Both of these policies were implemented as of July 1, 2022. According to the department, these policies, as well as a \$20 increase in the existing per diem rate for assisted living programs, are projected to utilize \$6.5 million in State funds and \$6.5 million in federal funds annually.

Section: Human Services

Analyst: Sarah Schmidt
Lead Research Analyst

Approved: Thomas Koenig
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY OVERSIGHT, REFORM AND FEDERAL
RELATIONS COMMITTEE

STATEMENT TO
ASSEMBLY, No. 590

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 22, 2023

The Assembly Oversight, Reform and Federal Relations Committee reports favorably and with committee amendments Assembly Bill No. 590.

As amended by the committee, this bill codifies the current minimum per diem reimbursement rates for Medicaid beneficiaries residing in assisted living residences, comprehensive personal care homes, and assisted living programs, as established in the FY 2023 appropriations act. As amended, the bill also provides for an increased per diem rate for assisted living residences and comprehensive personal care homes based on Medicaid population.

Specifically, the bill provides that the minimum per diem rate for Medicaid beneficiaries residing in an assisted living residence, comprehensive personal care home, or assisted living program will be \$89.50, \$79.50, and \$69.50, respectively. An assisted living residence or comprehensive personal care home will be eligible for an increased reimbursement rate as follows:

1) in the case of an assisted living residence or comprehensive personal care home with a population of Medicaid beneficiaries that is at least 15 percent but less than 30 percent of the total resident population, the per diem rate will be \$10 higher than the minimum per diem rate, or \$99.50 for an assisted living residence and \$89.50 for a comprehensive personal care home;

(2) in the case of an assisted living residence or comprehensive personal care home with a population of Medicaid beneficiaries that is at least 30 percent but less than 50 percent of the total resident population, the per diem rate will be \$15 higher than the minimum per diem rate, or \$104.50 for an assisted living residence and \$94.50 for a comprehensive personal care home;

(3) in the case of an assisted living residence or comprehensive personal care home with a population of Medicaid beneficiaries that is at least 50 percent but less than 70 percent of the total resident population, the per diem rate will be \$30 higher than the minimum per diem rate, or \$119.50 for an assisted living residence and \$109.50 for a comprehensive personal care home; and

(4) in the case of an assisted living residence or comprehensive personal care home with a population of Medicaid beneficiaries that is at least 70 percent, the per diem rate will be \$35 higher than the minimum per diem rate, or \$124.50 for an assisted living residence and \$114.50 for a comprehensive personal care home.

For the purposes of determining whether an assisted living residence or comprehensive personal care home qualifies for an increased reimbursement rate, and which rate the residence or home qualifies for, the Medicaid population percentage will be calculated on a quarterly basis by measuring the average daily census of Medicaid beneficiaries during that quarter against the total number of licensed beds approved for the assisted living residence or personal care home by the Department of Health.

The bill appropriates from the General Fund to the Department of Human Services such an amount as is necessary, as determined by the Commissioner of Human Services, to effectuate the provisions of the bill. The Commissioner of Human Services will be required to apply for such State plan amendments or waivers as may be necessary to implement the provisions of the bill and to secure federal financial participation for State Medicaid expenditures under the federal Medicaid program.

COMMITTEE AMENDMENTS:

The committee amendments replace the provisions of the bill that would have established certain minimum per diem reimbursement rates for Medicaid beneficiaries, with annual increases over the next two years, with language codifying the reimbursement rates that were established under the FY 2023 appropriations act.

The committee amendments remove a requirement that facilities have a minimum Medicaid population of 50 percent to be eligible for the minimum reimbursement rate, and instead provide for tiered increases to the minimum reimbursement rate for assisted living residences and comprehensive personal care homes based on the percentage of residents who are Medicaid beneficiaries. The amendments specify the formula to be used to calculate the percentage of Medicaid residents at an assisted living residence or comprehensive personal care home.

Governor Murphy Signs Fiscal Year 2024 Budget into Law

06/30/2023

*Budget Provides Historic Levels of Property Tax Relief, Another Record Investment in School Funding
Increases Investments in Affordable Housing, Higher Education, and Economic Growth
Continues Path of Fiscal Responsibility with Another Full Pension Payment of \$7.1 Billion and Surplus of over \$8 Billion*

TRENTON – Governor Phil Murphy signed the Fiscal Year 2024 Appropriations Act into Law on Friday, building on the historic progress made over the last five years with new investments centered around increasing affordability, promoting fiscal responsibility, and creating world-class opportunities for everyone to succeed.

The budget approved by the Legislature earlier in the day provides record levels of direct property tax relief with additional aid for seniors and renters while once again providing the highest level of school funding in history; making a third consecutive full pension payment; and supporting significant investments in the economy, workforce development, and affordable housing.

The Governor signed the budget in the rotunda of the newly renovated New Jersey State House where he was joined by Senate President Nicholas Scutari, Assembly Speaker Craig Coughlin, Senate Majority Leader M. Teresa Ruiz, Assembly Majority Leader Louis D. Greenwald, Senate Budget Chair Paul Sarlo, Assembly Budget Chair Eliana Pintor Marin, and State Treasurer Elizabeth Maher Muoio.

“When I first proposed this budget, I said it was a budget designed with a singular purpose – to continue building an economy where every family can afford to make their America Dream come true. Today we are delivering on that promise,” said **Governor Murphy**. “Over the last two years we have committed over \$6 billion in direct property tax relief, tackling of the single greatest and longest standing affordability challenges our state faces. This budget will also lower prescription-drug costs for seniors, help hardworking families by expanding free pre-K for kids, create good-paying jobs and fight climate change by building a green economy, expand mental health services for our kids, build and preserve affordable housing so everyone has a place they can call home, help first-generation homebuyers achieve the safety and security of owning a home, and so much more. We are accomplishing all of this in a fiscally responsible way. This budget continues to fully deliver on our commitments to our pension payments and school funding, while also maintaining a healthy surplus.”

“The budget signed into law today will help make New Jersey more affordable for hardworking residents and families by boosting tax relief and investing in affordable housing, social services, and education,” said **Lt. Governor Sheila Y. Oliver, who serves as Commissioner of the Department of Community Affairs**. “This budget demonstrates that we remain steadfast in our commitment to providing New Jerseyans of all walks of life the opportunity and resources to thrive.”

“This is a great budget for the people of New Jersey. It will help make their lives more affordable with an historic amount of property tax relief, including increased rebates, an expansion of Senior Freeze and a down payment on StayNJ, which will provide additional tax relief for senior citizens,” said **Senate President Nicholas Scutari**. “We are also distributing \$150 million in energy tax receipts to municipalities to further hold down property taxes. This is a fiscally-responsible spending plan that includes a record level of school funding, a full pension payment and a surplus of more than \$10 billion. This budget will help improve the lives and livelihoods of New Jersey’s residents in meaningful ways.”

“This budget ensures our state will be more affordable for everyone,” said **Assembly Speaker Craig Coughlin**. “It also meets our obligations with yet another full pension payment, increases in school aid, support for our most vulnerable neighbors, and a healthy surplus for any future economic uncertainty. I am especially proud of what we’ve done for New Jersey seniors, with the StayNJ program set to deliver historic property tax relief. I proposed StayNJ because seniors deserve the dignity of remaining in their homes, enjoying their later years near their families. Thanks to Governor Murphy, Senate President Scutari, and all our partners in the legislature for their work on this. We have demonstrated that we can do big, bold things for New Jersey while being fiscally responsible.”

“The budget signed today represents the culmination of months of long meetings and thoughtful deliberations and includes significant investments in our communities, our families and our future,” said **Senate Majority Leader M. Teresa Ruiz**. “We are doubling the child tax credit, continuing on the pathway towards universal Pre-K and once again increasing social funding. We are continuing to fund the postpartum home visitation program and lifesaving mental health initiatives. This budget represents our continued effort to make New Jersey more affordable for all of our residents while making lasting investments in our children and the institutions and programs which will nourish their growth and success.”

“The FY24 State Budget reflects our shared priorities, spending on programs that will make a difference in the lives of New Jersey residents while maintaining a healthy surplus,” said **Assembly Majority Leader Louis D. Greenwald**. “New Jersey residents will benefit from new and expanded property tax relief programs and an expanded child tax credit. We are funding programs to support education, affordable housing and healthcare, which will have a meaningful impact.”

“This is a responsive and responsible budget that meets the economic challenges of our time,” said **Senate Budget Committee Chairman Paul Sarlo**. “It will provide significant tax relief, install economic safeguards and help fuel economic growth. It addresses our top priority of making the lives of New Jersey’s residents more affordable. It includes a full pension payment, a record amount of school aid, a robust surplus to protect against economic uncertainty and a debt defeasance fund to drive down debt. We need to continue to be fiscally responsible with the use of our resources at the same time we expand economic opportunities that build a better future for New Jersey and our residents.”

“This budget highlights the priorities of a New Jersey that values its residents, promotes inclusivity, and invests in our future,” said **Assembly Budget Committee Chairwoman Eliana Pintor Marin**. “Together, we are ensuring that hardworking families receive the retirement security they deserve, access to safe and affordable homes, relief from property taxes, and quality education that empowers our children to thrive.”

“I would like to thank my staff at the Department of the Treasury, particularly the hardworking folks at the Office of Management and Budget and the Office of Revenue and Economic Analysis for their tireless dedication and professionalism. The budget signed by the governor today continues our commitment to making the state a more affordable place to live, raise a family, and retire,” said **State Treasurer Elizabeth Maher Muoio**. “With unprecedented tax relief for our seniors and middle-class families, a third full pension payment in as many years, record funding of our best-in-the-nation schools and a budget surplus of approximately 15 percent, this budget maintains sound fiscal management that helps prepare for the Next New Jersey.”

The \$54.5 billion budget for Fiscal Year (FY2024) includes a historic surplus of \$8.3 billion, which is more than 15 percent of budgeted appropriations, dwarfing the surplus inherited from previous years ago.

Increasing Affordability

With the FY2024 budget, a total of 20 tax cuts for working and middle-class families and seniors have been enacted under the Murphy Administration, including more than \$2 billion in direct property tax relief for the second year of the ANCHOR property tax relief program. As the State begins to phase-in the newly enacted StayNJ property tax relief program championed by Assembly Speaker Coughlin, ANCHOR will provide a \$250 boost in relief for senior homeowners and renters this year. Eligible senior tenants will now see their relief boosted by more than 55 percent to \$700 in the coming year and homeowners will receive \$1,250 or \$1,750, depending on their income.

The StayNJ senior property tax credit affordability program expands income limits and modifies ownership requirements with the aim of cutting property taxes in half for many eligible New Jersey seniors by providing a direct credit of up to \$6,500 on property tax bills when fully implemented.

Additional relief for seniors was also enacted alongside the budget, which will expand eligibility for the Senior Freeze property tax relief program next year for those with incomes up to \$150,000, up from roughly \$100,000. To further help boost affordability for seniors, the budget and legislation signed alongside it (S3/A3), sponsored by Senator Joseph Vitale and Assemblyman Chris Tully, also increases eligibility for the State’s senior prescription drug and hearing aid programs to help make New Jersey more affordable for individuals of all ages.

In addition to raising the income eligibility limits for the Pharmaceutical Assistance to the Aged and Disabled Program (PAAD) to benefit more seniors, the new law includes a number of directives to encourage enrollment in both PAAD and the Senior Gold Prescription Program, including establishing a grant program in the Department of Human Services to support

hiring and training of Senior Save Navigators to assist residents in applying for programs such as PAAD and Senior Gold.

For working- and middle-class families, the budget delivers significant relief by including the Governor's proposal to double the Child Tax Credit that was enacted last year. The program will now provide up to \$1,000 per child under age six for families earning under \$30,000.

For the second year in a row, the budget includes a back-to-school sales tax holiday and waives the fee for entrance into all State parks for another year, including Island Beach State Park. To help boost the ranks of teachers in New Jersey the budget also waives the fee for teacher certification, as proposed by the Governor this year.

For the sixth straight year, the Governor has also promised no fare increases for NJ TRANSIT commuters.

Additionally, the budget continues to increase indirect property tax relief by providing \$150 million in Energy Tax Receipts-related payments to extend the Municipal Relief Fund for an additional year, doubling last year's funding, which is designed to offset the burden on local property taxpayers by providing additional aid to municipalities.

Expanding Educational Opportunity

The budget also supports the Governor's commitment to supporting New Jersey's best-in-the-nation public education system by providing another record total of \$11 billion in direct aid for public schools, including an increase of \$832 million, as well as \$103 million in supplemental stabilization aid enacted in April for school districts adjusting to changes in enrollment. With this latest budget, the State has now increased overall K-12 support to New Jersey's public schools by more than \$2.6 billion over six years, a more than 20 percent increase, all of which helps offset local property taxes.

Advancing the Governor's goal of universal pre-K, the budget includes an additional \$116 million for pre-school education aid, \$40 million of which will go towards expanding programs in new districts as well as other critical needs for further expansion.

Additionally, the Governor is working to shore up the ranks of teachers, budgeting over \$20 million in new investments and other supports to help ensure New Jersey has the trained and dedicated workforce to provide a top-quality education for public school students years into the future. This includes \$10 million for student teacher stipends to help future educators meet the costs of living while working and studying for their credentials, \$5 million to waive teacher certification fees, \$2 million for Culture and Climate Innovation Grants to help improve educator quality of life, \$1 million for the Teachers Loan Redemption Program, \$1 million to develop local partnerships for para-professional training, \$800,000 for a teaching apprenticeship program, and \$500,000 to expand the Teacher Leader Network. The proposed budget also maintains funding for Men of Color Hope Achievers (MOCHA) and the Mid-Career Teacher Development Programs to support a diverse educator workforce.

To accelerate learning outcomes, the State will also dedicate nearly \$55 million this year in federal funds for learning acceleration and other recovery programs, as proposed by the Governor.

The budget also strengthens the Governor's "College Promise" programs by increasing the eligibility threshold for both the Community College Opportunity Grant and the Garden State Guarantee so that students with family incomes up to \$100,000 can benefit. Additionally, the budget increases the value of Tuition Aid Grants for over 20,000 students and expands the Some College, No Degree program, so that former students with some credit receive the support they need to complete school.

The budget also provides over \$150 million in the Outcomes-Based Allocation this year for State colleges and universities, compared to \$55 million in FY2023, to help keep tuition affordable and support the next generation of New Jersey's educated workforce. Additionally, it includes \$70 million to help cover fringe benefit costs at public research universities, an additional \$20 million for community colleges, and an additional \$5 million for independent colleges and universities.

Promoting Fiscal Responsibility

In addition to a record projected ending surplus of \$8.3 billion – 20 times larger than the surplus the Murphy Administration inherited – the FY2024 budget also makes good on the Administration's commitment to public sector employees by including the third consecutive full pension payment. The \$7.1 billion payment, which includes contributions from the State Lottery, brings the total contribution to the pension fund under the Murphy Administration to \$32.6 billion, nearly triple the \$12.2 billion paid under the previous six administrations combined. The FY2024 payment will mark the first time in a quarter of a century that the State has contributed 100 percent of the Actuarially Determined Contribution three years in a row.

The budget also puts additional money in the Debt Defeasance and Prevention Fund, bringing the current available balance to \$2 billion to support important State infrastructure projects and avoid incurring new debt in the future. The FY2024 deposit brings the total allocation to the fund to \$9.25 billion over the last two years, which has been used to retire existing debt while setting aside money to pay for upcoming projects that might otherwise be bonded. Over a two-year period, \$3.5 billion from the fund has already been used to defease \$4.7 billion in State debt service through FY2042, saving the State's taxpayers \$1.2 billion.

The continued commitment by the Governor and the Legislature to bolster the pension system, reduce debt, and build up the State's surplus has saved taxpayers money and garnered a total of seven credit rating upgrades from the four major rating agencies over the last 16 months.

The budget also includes substantial funding to continue upgrading the State's service-based infrastructure to ensure a more efficient delivery of essential services to taxpayers, including more than \$40 million to continue improving the unemployment insurance system, digitizing more services at the Motor Vehicle Commission, and expanding the Division of Taxation's property tax relief call center.

Expanding Opportunity and Promoting Economic Growth

The budget also places a concerted focus on expanding opportunities for every New Jerseyan in tandem with supporting economic growth, a hallmark of Governor Murphy's time in office.

An \$80 million allocation of federal American Rescue Plan (ARP) funds will be used to create an Urban Investment Fund and Atlantic City Economic Foundations Fund to work alongside current and proposed business incentive programs. The funds will aid in the revitalization of urban areas and catalyze new economic and community activity where shifting patterns of work and commuting since the pandemic have reduced foot traffic and created ongoing challenges to community vitality.

Grants from the fund would be flexible and responsive to the needs of cities and could include funding to reimagine the use of now-underutilized office space, support capital construction projects that renovate or restore vacant buildings, or build new destinations and spaces for urban communities. As proposed by the Governor in February, the budget includes a specific set-aside for Atlantic City to improve public safety, rebuild distressed housing, and diversify economic development in the city.

The FY2024 budget also allocates \$50 million in continued support for the Main Street Recovery Program, which funds multiple financial assistance products aimed at supporting the growth and success of small businesses in New Jersey.

The budget continues to expand job opportunities for New Jerseyans, increasing the allocation for the Workforce Development Partnership Fund (WDPF) by \$5 million, to \$27.5 million to invest in apprenticeships, pre-apprenticeships, on-the-job training, and other programs that develop skills while bringing more women and minorities into job training opportunities. The State has invested a total of \$50 million through grant programs since the Governor took office to create and develop work-based learning, pre-apprenticeship and apprenticeship programs across the state.

The budget also includes significant investments to grow New Jersey's green economy and combat climate change, including \$12 million more for the Clean Energy Program, which previously went to NJ TRANSIT, a \$40 million Green Fund to leverage both private capital and federal funds, \$20 million for the Resilience and Stormwater Planning and Infrastructure program, and an additional \$10 million to support the continued installation of EV charging infrastructure throughout the State.

Additionally, the budget agreement includes \$20 million to support the creation of a Social Impact Investment Fund, an innovative new financing tool to provide below-market loans

socially conscious projects in distressed municipalities.

The budget agreement also includes the \$100 million Boardwalk Fund Governor Murphy initially proposed in February, which will support repairs and renovations to boardwalks up down the Jersey shore that support the State's tourism industry and provide a crucial economic engine.

The budget also includes an additional \$20 million for continued development of the ambitious, new, nine-mile Greenway that will convert a former rail line into a new State park connecting eight Essex and Hudson County communities.

The budget agreement not only reduces NJ TRANSIT's capital-to-operating transfer to its lowest level in 21 years, it also includes \$137 million in new funding from the Debt Defeasance and Prevention Fund to match federal funding earmarked for transportation-related capital investments. Additionally, the budget will expand the Department of Transportation's innovative Simple Fix Safety program.

The FY2024 budget also funds substantial investments to improve public health and social outcomes and reduce long-standing disparities.

To that end, the budget includes nearly \$300 million for a host of housing affordability initiatives, including over \$100 million in federal ARP funds to build upon last year's \$300 million landmark creation of the Affordable Housing Production Fund. A new Urban Preservation Fund will provide \$80 million to maintain affordability of existing units in New Jersey cities and additional funds will be used to develop new workforce housing units to improve affordability in transit-served areas, enhance urban vitality, and launch a Resilient Homes Construction Pilot program to expand building stock and affordable homeownership across the state. All told, the Murphy Administration will have committed over \$1.3 billion in federal ARP funds to housing programs over the last three fiscal years.

Drawing on the work of the Wealth Disparity Task Force, the budget also includes an additional \$15 million to enhance the existing [Down Payment Assistance Program](#) to provide changing assistance for first-generation homebuyers and help families who have been excluded from homeownership for generations.

The budget also includes over \$300 million more than last year in ARP and State funding to support hospital capital investments to bolster New Jersey's public health infrastructure. This includes \$30 million to create the City of Newark Access to Health Care Partnership, and \$60 million in additional funding for University Hospital to expand and improve its emergency and maternity departments.

Additionally, the budget includes \$86 million that was initially proposed by the Governor in February to support a one-time program through the Department of Human Services to subsidize training and recruitment for mental health, substance use, and developmental disabilities service providers to help address what has become a national crisis.

As part of Governor Murphy's national leadership on youth mental health, the budget also includes \$43 million to launch the New Jersey Statewide Student Support Services (NJ4S) network, which will deliver wellness and prevention supports from regional hubs. An additional \$40 million will support providers across multiple divisions in the Department of Children and Families, including the Children's System of Care.

The budget also continues to invest in improving maternal and infant health and mortality rates throughout New Jersey. As part of First Lady Tammy Murphy's Nurture NJ initiative proposed budget includes new funds for a maternal health data center and to train community health workers and doulas. Additionally, \$15.6 million in State funding will support the continued expansion of the landmark, statewide Universal Newborn Home Nurse Visitation Program, putting New Jersey further along the path to being one of the first states in the nation to provide this critical care for all mothers and newborns within the first two weeks of birth.

The budget also continues to provide crucial investments to make health care more affordable and accessible for every New Jerseyan, leveraging State and federal funding through Get Covered New Jersey exchange, while also supporting [Cover All Kids](#) and funding a \$10 million pilot program to eliminate personal medical debt.

To address the disparate, long-term impact that many justice system fees and fines can have on people of limited means, the budget includes Governor Murphy's proposal to eliminate public defender fees, which are currently assessed on indigent clients regardless of whether they are ultimately found guilty. Additionally, the budget provides funding for the Parole Revocation Defense Unit and to increase the rates paid to attorneys assisting the Office of the Public Defender to help ensure that residents of limited means have access to an effective legal defense.

The budget also includes the Governor's proposal to provide over \$8 million in increased State funds to support the first-in-the-nation statewide expansion of the ARRIVE Together program, which stands for Alternative Responses to Reduce Instances of Violence and Escalation and pairs police officers and State Troopers with mental health professionals when responding to a person who is experiencing a mental health crisis.

To ensure that the State's first responders and law enforcement professionals receive the training and equipment necessary to protect and serve New Jersey's nine million residents, the budget funds the Governor's proposed doubling of the successful Firefighters Grant Program, bringing the total to \$20 million. The budget also makes significant investments to strengthen the ranks of the New Jersey State Police, allocating \$120 million to begin building a new training center for the next generation of New Jersey State Police and including an additional \$5 million for the 166th State Trooper recruit class.

An additional one-page policy summary on the central commitments of the FY2024 budget can be found online [here](#).

In addition to the Appropriations Act, Governor Murphy also signed the following bills into law today:

A-1/S-1 (Coughlin, Greenwald, Freiman, Swain, Moriarty, Wimberly, Lopez, Tully/Scutari, Gopal, Lagana) - Establishes Stay NJ senior property tax credit affordability program; expands income limit and modifies ownership requirement for eligibility to receive homestead property tax reimbursement; appropriates not more than \$300 million

S-3980/A-5673 (Sarfo/Freiman) - Credits \$400 million to "New Jersey Debt Defeasance and Prevention Fund"; appropriates \$371 million to DOC, DLPS, South Jersey Port Corporation and DOT; establishes process for authorizing future appropriations for debt defeasance and capital projects

A-5668/S-3978 (Pintor Marin/Sarfo) - Makes FY 2023 supplemental appropriations of \$158,525,000 and modifies certain language provisions

A-5590/S-3941 (Lampitt, Carter, Jasey/Gopal) - Waives certain certification and credentialing fees for teachers for one year

S-3940/A-5672 (Ruiz, Singleton/Reynolds-Jackson, Speight, Spearman) - Increases child tax credit under gross income tax

A-3/S-3 (Tully, Moriarty, McKnight, Freiman, Quijano, Mukherji, Swain, Carter/Vitale, Lagana, Zwicker) - Revises income eligibility criteria for, and provides for promotion of, PAAD Senior Gold Prescription Discount Program; establishes "Senior Save Navigator Grant Program" to assist applicants with NJ Save applications.

A-590/S-405 (Spearman, McKnight, Haider/Johnson, Singer) - Codifies, and increases under certain circumstances, current minimum Medicaid per diem reimbursement rates for assisted living residences, comprehensive personal care homes, and assisted living programs; makes appropriation

A-5082/S-3587 (Greenwald, Mukherji, McKnight/Lagana, Gopal) - Establishes Medicaid per diem rate for pediatric medical day care services delivered by provider offering on-site services; appropriates \$3.6 million to DHS

A-5173/S-2362 (McKnight, Speight, Tully/Beach, Madden) - Requires hourly reimbursement rate for home health aide services provided through Statewide Respite Care Program Jersey Assistance for Community Caregiving Program to be no less than Medicaid fee-for-service rate for personal care services; makes appropriation

A-4674/S-3278 (Moriarty, Danielsen, McKnight/Stanfield, Bucco) - Concerns eligibility for senior freeze reimbursement if eligible claimant exceeds income limit

S-2857/A-4167 (Gopal, Ruiz/Benson, Sumter, Verrelli) - Establishes "Sustainable New Jersey Fund" in DEP to support certain sustainability initiatives; appropriates \$1 million

A-5209/S-3615 (Freiman/Sarlo, Zwicker) - Establishes Agritourism Fund; requires annual appropriation of \$2.5 million from General Fund; appropriates \$2.5 million

S-4052/A-5654 (Smith/Freiman, Reynolds-Jackson, Quijano) - Appropriates \$9,184,427 to DEP from constitutionally dedicated CBT revenues for grants to certain nonprofit entities to acquire or develop lands for recreation and conservation purposes, and for certain administrative expenses.

S-4018/A-5584 (Johnson, Turner/Jimenez, Freiman, Moriarty) - Revises New Jersey False Claims Act to comply with federal law for purposes of entitling State to enhanced recovery of Medicaid fraud cases

A-2190/S-3075 (Caputo, Chaparro, Greenwald/Beach, Polistina) - Extends authorization for Internet gaming law to 2028

A-5606/S-3953 (Haider, Moen/Sarlo) - Appropriates unexpended funds from "1999 Statewide Transportation and Local Bridge Fund"
[Revenue Certification](#)

S-2024/A-5669 (Sarlo/Pintor Marin) - LINE ITEM VETO - Appropriates \$54,357,547,000 in State funds and \$26,144,171,463 in federal funds for the State budget for fiscal year 2024.

[Line Item Veto Statement](#)

[Line Item Veto Message](#)

The Governor also conditionally vetoed the following bills earlier today and signed them later in the day upon concurrence by the Legislature:

A-4701/S-3144 (Pintor Marin, Speight, Schaer/Gopal, Ruiz, Singer) - Supplemental appropriation of \$3.6 million to DHS to increase adult medical day care Medicaid per diem rate \$86.10 to \$89.54

[Conditional Veto Message](#)

S-4053/A-5655 (Greenstein, Turner/Sumter, Tully) - Appropriates \$87,783,515 from constitutionally dedicated CBT revenues and various Green Acres funds to DEP for local government open space acquisition and park development projects, and for certain administrative expenses.

[Conditional Veto Message](#)