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P.L. 2005, CHAPTER 111, *approved June 29, 2005*

Senate, No. 2106

1 **AN ACT** concerning admission criteria for certain long-term care
2 facilities and supplementing Title 30 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. Subject to federal financial participation under Title XIX of
8 the federal Social Security Act (42 U.S.C. s.1396 et seq.), the
9 Commissioner of Health and Senior Services shall establish special
10 long-term care facility admission criteria for Medicaid-eligible persons
11 with HIV infection or AIDS, which would apply to facilities that only
12 serve persons with HIV infection or AIDS.

13 b. The criteria shall enable admission of:

14 (1) persons with HIV infection who have medical or psycho-social
15 co-morbidities, including, but not limited to: diabetes, cancer,
16 hypertension, hyperlipidemia, asthma, chronic obstructive pulmonary
17 disease, hepatitis B or C, substance abuse, mental illness or dementia;
18 and

19 (2) persons with AIDS-defining illness and infection, including
20 those persons newly diagnosed with HIV infection, which illness or
21 infection includes, but is not limited to: pneumocystis carinii
22 pneumonia (PCP), toxoplasmosis, cytomegalovirus (CMV), oral-
23 esophageal candidiasis, wasting, bacterial pneumonia, lymphoma,
24 cryptococcal meningitis, mycobacterium avium complex (MAC) or
25 Kaposi's sarcoma.

26

27 2. The Commissioner of Health and Senior Services shall adopt the
28 criteria by regulation pursuant to the "Administrative Procedure Act,"
29 P.L.1968, c.410 (C.52:14B-1 et seq.).

30

31 3. This act shall take effect immediately.

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33

34

STATEMENT

35

36 This bill would require the Commissioner of Health and Senior
37 Services to establish special long-term care facility admission criteria
38 for Medicaid-eligible persons with HIV infection or AIDS, which
39 would apply to facilities that only serve persons with HIV infection or
40 AIDS.

41 The bill specifies that the criteria shall enable admission of the
42 following persons who are Medicaid-eligible:

43 (1) persons with HIV infection who have medical or psycho-social
44 co-morbidities, including, but not limited to: diabetes, cancer,

1 hypertension, hyperlipidemia, asthma, chronic obstructive pulmonary
2 disease, hepatitis B or C, substance abuse, mental illness or dementia;
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9 cryptococcal meningitis, mycobacterium avium complex (MAC) or
10 Kaposi's sarcoma.

11 The provisions of this bill are intended to enable long-term care
12 facilities that only serve persons who are HIV positive or have AIDS,
13 such as Broadway House in Newark, to continue to receive Medicaid
14 funding on behalf of their patients. Under current State Medicaid
15 admission criteria, a person must need assistance with at least two
16 activities of daily living in order to be considered in need of long-term
17 care services. Persons with HIV infection or AIDS who need long-
18 term care services, however, have special needs due to their health
19 status, which do not necessarily include assistance with activities of
20 daily living, and should be evaluated on the basis of their specific
21 needs.

22

23

24

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26 _____
27 Requires DHSS to establish special Medicaid admission criteria for
long-term care facilities that serve HIV/AIDS patients.

SENATE, No. 2106

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED DECEMBER 6, 2004

Sponsored by:

Senator RONALD L. RICE

District 28 (Essex)

Senator DIANE ALLEN

District 7 (Burlington and Camden)

Assemblywoman LORETTA WEINBERG

District 37 (Bergen)

Assemblyman WILFREDO CARABALLO

District 29 (Essex and Union)

Co-Sponsored by:

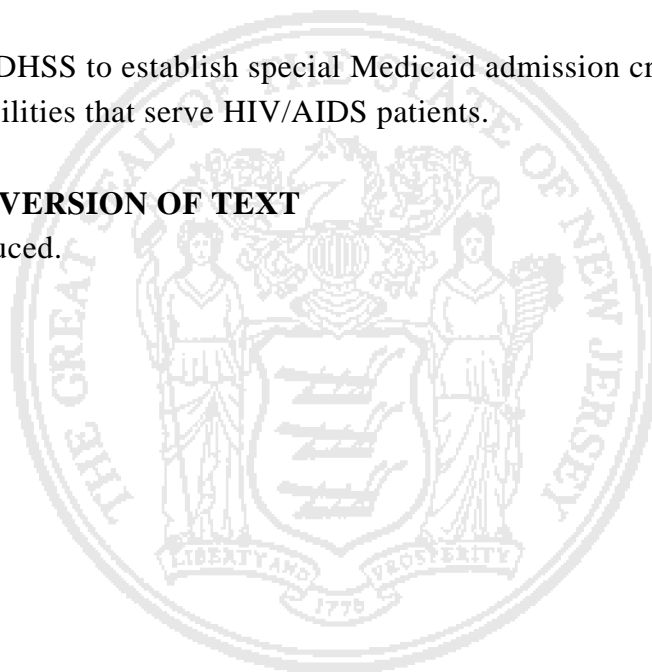
Senator Gill and Assemblyman Johnson

SYNOPSIS

Requires DHSS to establish special Medicaid admission criteria for long-term care facilities that serve HIV/AIDS patients.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/17/2005)

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12 funding on behalf of their patients. Under current State Medicaid
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14 activities of daily living in order to be considered in need of long-term
15 care services. Persons with HIV infection or AIDS who need long-
16 term care services, however, have special needs due to their health
17 status, which do not necessarily include assistance with activities of
18 daily living, and should be evaluated on the basis of their specific
19 needs.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 2106

STATE OF NEW JERSEY

DATED: JANUARY 24, 2005

The Senate Health, Human Services and Senior Citizens Committee reports favorably Senate Bill No. 2106.

This bill would require the Commissioner of Health and Senior Services to establish special long-term care facility admission criteria for Medicaid-eligible persons with HIV infection or AIDS, which would apply to facilities that only serve persons with HIV infection or AIDS.

The bill specifies that the criteria shall enable admission of the following persons who are Medicaid-eligible:

(1) persons with HIV infection who have medical or psycho-social co-morbidities, including, but not limited to: diabetes, cancer, hypertension, hyperlipidemia, asthma, chronic obstructive pulmonary disease, hepatitis B or C, substance abuse, mental illness or dementia; and

(2) persons with AIDS-defining illness and infection, including those persons newly diagnosed with HIV infection, which illness or infection includes, but is not limited to: pneumocystis carinii pneumonia (PCP), toxoplasmosis, cytomegalovirus (CMV), oral-esophageal candidiasis, wasting, bacterial pneumonia, lymphoma, cryptococcal meningitis, mycobacterium avium complex (MAC) or Kaposi's sarcoma.

The provisions of this bill are intended to enable long-term care facilities that only serve persons who are HIV positive or have AIDS, such as Broadway House in Newark, to continue to receive Medicaid funding on behalf of their patients. Under current State Medicaid admission criteria, a person must need assistance with at least two activities of daily living in order to be considered in need of long-term care services. Persons with HIV infection or AIDS who need long-term care services, however, have special needs due to their health status, which do not necessarily include assistance with activities of daily living, and should be evaluated on the basis of their specific needs.

ASSEMBLY, No. 3765

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED FEBRUARY 7, 2005

Sponsored by:

Assemblywoman LORETTA WEINBERG

District 37 (Bergen)

Assemblyman WILFREDO CARABALLO

District 29 (Essex and Union)

Co-Sponsored by:

Assemblyman Johnson

SYNOPSIS

Requires DHSS to establish special Medicaid admission criteria for long-term care facilities that serve HIV/AIDS patients.

CURRENT VERSION OF TEXT

As introduced.



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8 The provisions of this bill are intended to enable long-term care
9 facilities that only serve persons who are HIV positive or have AIDS,
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17 daily living, and should be evaluated on the basis of their specific
18 needs.

ASSEMBLY HEALTH AND HUMAN SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3765

STATE OF NEW JERSEY

DATED: FEBRUARY 28, 2005

The Assembly Health and Human Services Committee reports favorably Assembly Bill No. 3765.

This bill requires the Commissioner of Health and Senior Services to establish special long-term care facility admission criteria for Medicaid-eligible persons with HIV infection or AIDS, which would apply to facilities that only serve persons with HIV infection or AIDS.

The bill specifies that the criteria are to enable admission of the following persons who are Medicaid-eligible:

-- persons with HIV infection who have medical or psycho-social co-morbidities, including, but not limited to: diabetes, cancer, hypertension, hyperlipidemia, asthma, chronic obstructive pulmonary disease, hepatitis B or C, substance abuse, mental illness or dementia; and

-- persons with AIDS-defining illness and infection, including those persons newly diagnosed with HIV infection, which illness or infection includes, but is not limited to: pneumocystis carinii pneumonia (PCP), toxoplasmosis, cytomegalovirus (CMV), oral-esophageal candidiasis, wasting, bacterial pneumonia, lymphoma, cryptococcal meningitis, mycobacterium avium complex (MAC) or Kaposi's sarcoma.

The purpose of the bill is to enable long-term care facilities that only serve persons who are HIV positive or have AIDS, such as Broadway House in Newark, to continue to receive Medicaid funding on behalf of their patients. Under current State Medicaid admission criteria, a person must need assistance with at least two activities of daily living in order to be considered in need of long-term care services; however, persons with HIV infection or AIDS who need long-term care services have special needs due to their health status, which do not necessarily include assistance with activities of daily living, and should be evaluated for admission on the basis of their specific needs.

This bill is identical to Senate Bill No. 2106 (Rice/Allen), which is currently pending in the Senate.