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[First Reprint]

**ASSEMBLY, No. 3990**

**STATE OF NEW JERSEY**  
**213th LEGISLATURE**

INTRODUCED MAY 21, 2009

**Sponsored by:**

**Assemblyman JOSEPH CRYAN**

**District 20 (Union)**

**Assemblyman UPENDRA J. CHIVUKULA**

**District 17 (Middlesex and Somerset)**

**Co-Sponsored by:**

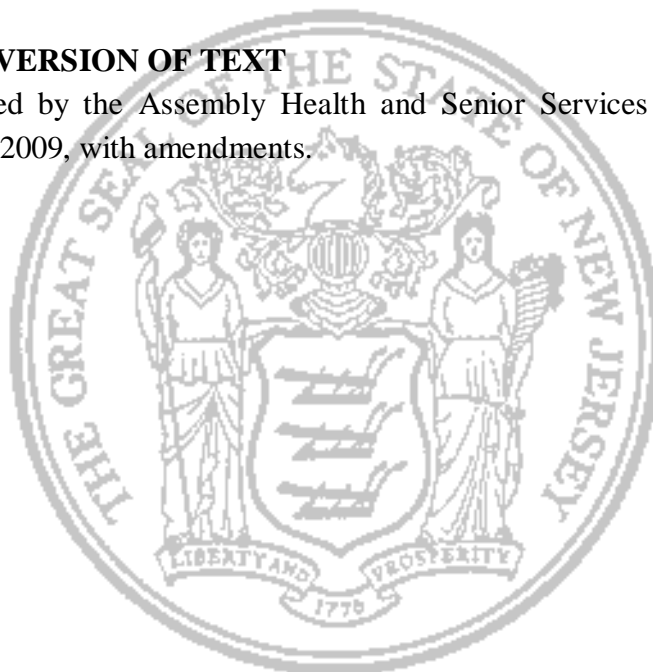
**Senators Whelan, Vitale and Singer**

**SYNOPSIS**

Requires health care service firms to file annual cost report with DHS as condition of Medicaid reimbursement.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Health and Senior Services Committee on December 3, 2009, with amendments.



**(Sponsorship Updated As Of: 12/11/2009)**

1 AN ACT concerning reporting by health care service firms and  
2 supplementing P.L.1968, c.413 (C.30:4D-1 et seq.).

3

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

6

7 1. As a condition of receiving reimbursement from the State  
8 Medicaid program<sup>1</sup>, pursuant to P.L.1968, c.413 (C.30:4D-1 et  
9 seq.),<sup>1</sup> for personal care assistant services<sup>1</sup>, as described in  
10 N.J.A.C.10:60-3.3, which are<sup>1</sup> provided to Medicaid recipients, a  
11 health care service firm, as defined in N.J.A.C.13:45B-13.2, shall  
12 file an annual cost report with the Division of <sup>1</sup>**[Medical Assistance**  
13 **and Health] Disability<sup>1</sup>** Services in the Department of Human  
14 Services.

15 The Division of <sup>1</sup>**[Medical Assistance and Health] Disability<sup>1</sup>**  
16 Services shall develop the form of the annual cost report, which  
17 shall include information on costs and revenues <sup>1</sup>**[in comparable**  
18 **detail as that required of other providers that submit cost reports to**  
19 **the Medicaid program]<sup>1</sup>**. The cost report shall be filed on an annual  
20 basis, beginning January 1, 2010, in a form and manner specified by  
21 the division.

22 <sup>1</sup>**[As used in this act:**

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

25 “Personal care assistant services” are performed by a certified  
26 homemaker-home health aide and include, but are not limited to:  
27 bathing; toileting; transferring; dressing; grooming; assistance with  
28 ambulation, exercise, and eating and meal preparation; various  
29 household duties; and various health-related activities.]<sup>1</sup>

30

31 2. This act shall take effect on the 90th day after enactment, but  
32 the Commissioner of Human Services may take such anticipatory  
33 administrative action in advance thereof as shall be necessary for  
34 the implementation of this act.

**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:

<sup>1</sup>Assembly AHE committee amendments adopted December 3, 2009.

# ASSEMBLY, No. 3990

## STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED MAY 21, 2009

**Sponsored by:**  
**Assemblyman JOSEPH CRYAN**  
**District 20 (Union)**

### **SYNOPSIS**

Requires health care service firms to file annual cost report with Medicaid as condition of reimbursement.

### **CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning reporting by health care service firms and  
2 supplementing P.L.1968, c.413 (C.30:4D-1 et seq.).

3

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

6

7 1. As a condition of receiving reimbursement from the State  
8 Medicaid program for personal care assistant services provided to  
9 Medicaid recipients, a health care service firm, as defined in  
10 N.J.A.C. 13:45B-13.2, shall file an annual cost report with the  
11 Division of Medical Assistance and Health Services in the  
12 Department of Human Services.

13 The Division of Medical Assistance and Health Services shall  
14 develop the form of the annual cost report, which shall include  
15 information on costs and revenues in comparable detail as that  
16 required of other providers that submit cost reports to the Medicaid  
17 program. The cost report shall be filed on an annual basis,  
18 beginning January 1, 2010, in a form and manner specified by the  
19 division.

20 As used in this act:

21 "Medicaid" means the Medicaid program established pursuant to  
22 P.L.1968, c.413 (C.30:4D-1 et seq.); and

23 "Personal care assistant services" are performed by a certified  
24 homemaker-home health aide and include, but are not limited to:  
25 bathing; toileting; transferring; dressing; grooming; assistance with  
26 ambulation, exercise, and eating and meal preparation; various  
27 household duties; and various health-related activities.

28

29 2. This act shall take effect on the 90th day after enactment, but  
30 the Commissioner of Human Services may take such anticipatory  
31 administrative action in advance thereof as shall be necessary for  
32 the implementation of this act.

33

34

35 STATEMENT

36

37 This bill requires a health care service firm, as a condition of  
38 receiving reimbursement from the State Medicaid program for  
39 providing personal care assistant services to Medicaid recipients, to  
40 file an annual cost report with the Division of Medical Assistance  
41 and Health Services (Medicaid) in the Department of Human  
42 Services.

43 The Division of Medical Assistance and Health Services shall  
44 develop the form of the annual cost report, which shall include  
45 information on costs and revenues in comparable detail as that  
46 required of other providers that submit cost reports to the Medicaid  
47 program. The cost report shall be filed on an annual basis,

1 beginning January 1, 2010, in a form and manner specified by the  
2 division.

3 Personal care assistant services are performed by a certified  
4 homemaker-home health aide and include, but are not limited to:  
5 bathing; toileting; transferring; dressing; grooming; assistance with  
6 ambulation, exercise, and eating and meal preparation; various  
7 household duties; and various health-related activities.

8 Health care service firms, which are required to register with the  
9 Division of Consumer Affairs in the Department of Law and Public  
10 Safety pursuant to N.J.A.C.13:45B-13.1 et seq., are defined as “any  
11 person who operates a firm that employs individuals directly or  
12 indirectly for the purpose of assigning the employed individuals to  
13 provide health care or personal care services either directly in the  
14 home or at a care-giving facility, and who, in addition to paying  
15 wages or salaries to the employed individuals while on assignment,  
16 pays or is required to pay federal social security taxes and State and  
17 federal unemployment insurance; carries or is required to carry  
18 worker's compensation insurance; and sustains responsibility for the  
19 action of the employed individuals while they render health care  
20 services.

21 The bill takes effect on the 90th day after enactment, but the  
22 Commissioner of Human Services is authorized to take such  
23 anticipatory administrative action in advance thereof as shall be  
24 necessary for its implementation.

# ASSEMBLY HEALTH AND SENIOR SERVICES COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 3990

with committee amendments

# STATE OF NEW JERSEY

DATED: DECEMBER 3, 2009

The Assembly Health and Senior Services Committee reports favorably and with committee amendments Assembly Bill No. 3990.

As amended by the committee, this bill requires health care service firms to file an annual cost report with the Department of Human Services (DHS) as a condition of receiving reimbursement from the Medicaid program.

The bill provides specifically as follows:

- As a condition of receiving Medicaid reimbursement for personal care assistant services, as described in N.J.A.C.10:60-3.3, which are provided to Medicaid recipients, a health care service firm, as defined in N.J.A.C.13:45B-13.2, must file an annual cost report with the Division of Disability Services in DHS.
- The division is to develop the form of the annual cost report, which will include information on costs and revenues. The cost report is to be filed on an annual basis, beginning January 1, 2010, in a form and manner specified by the division.
- The bill takes effect on the 90th day after enactment, but authorizes the Commissioner of Human Services to take anticipatory administrative action in advance as necessary for its implementation.

A health care service firm is required to register with the Division of Consumer Affairs in the Department of Law and Public Safety pursuant to N.J.A.C.13:45B-13.1 et seq., and is defined under N.J.A.C.13:45B-13.2, as: “any person who operates a firm that employs individuals directly or indirectly for the purpose of assigning the employed individuals to provide health care or personal care services either directly in the home or at a care-giving facility, and who, in addition to paying wages or salaries to the employed individuals while on assignment, pays or is required to pay federal social security taxes and State and federal unemployment insurance; carries or is required to carry worker's compensation insurance; and sustains responsibility for the action of the employed individuals while they render health care services.”

“Personal care assistant services,” as described in N.J.A.C.10:60-3.3, include activities of daily living (such as grooming, toileting,



ambulation, eating, and dressing), household duties that are essential to the beneficiary's health and comfort (such as cleaning, shopping for food and supplies, and preparing and serving meals), and health-related activities (such as helping with exercises, assisting with medications, and taking temperature and respiration), which are performed by a personal care assistant.

#### COMMITTEE AMENDMENTS

The committee amendments to the bill:

-- delete the requirement that the annual cost report filed by health care service firms include information in comparable detail as that required of other providers that submit cost reports to the Medicaid program;

-- incorporate by reference language from DHS regulations (at N.J.A.C.10:60-3.3), which describes "personal care assistant services," in lieu of the definition for that term that was previously provided in the bill; and

-- require that the annual cost report be filed with the Division of Disability Services, rather than the Division of Medical Assistance and Health Services, in DHS.

# SENATE, No. 3051

## STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED DECEMBER 3, 2009

**Sponsored by:**

**Senator JIM WHELAN**

**District 2 (Atlantic)**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Co-Sponsored by:**

**Senator Singer**

**SYNOPSIS**

Requires health care service firms to file annual cost report with Medicaid as condition of reimbursement.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning reporting by health care service firms and  
2 supplementing P.L.1968, c.413 (C.30:4D-1 et seq.).

3

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

6

7 1. As a condition of receiving reimbursement from the State  
8 Medicaid program for personal care assistant services provided to  
9 Medicaid recipients, a health care service firm, as defined in  
10 N.J.A.C. 13:45B-13.2, shall file an annual cost report with the  
11 Division of Medical Assistance and Health Services in the  
12 Department of Human Services.

13 The Division of Medical Assistance and Health Services shall  
14 develop the form of the annual cost report, which shall include  
15 information on costs and revenues in comparable detail as that  
16 required of other providers that submit cost reports to the Medicaid  
17 program. The cost report shall be filed on an annual basis,  
18 beginning January 1, 2010, in a form and manner specified by the  
19 division.

20 As used in this act:

21 "Medicaid" means the Medicaid program established pursuant to  
22 P.L.1968, c.413 (C.30:4D-1 et seq.); and

23 "Personal care assistant services" are performed by a certified  
24 homemaker-home health aide and include, but are not limited to:  
25 bathing; toileting; transferring; dressing; grooming; assistance with  
26 ambulation, exercise, and eating and meal preparation; various  
27 household duties; and various health-related activities.

28

29 2. This act shall take effect on the 90th day after enactment, but  
30 the Commissioner of Human Services may take such anticipatory  
31 administrative action in advance thereof as shall be necessary for  
32 the implementation of this act.

33

34

35

#### STATEMENT

36

37 This bill requires a health care service firm, as a condition of  
38 receiving reimbursement from the State Medicaid program for  
39 providing personal care assistant services to Medicaid recipients, to  
40 file an annual cost report with the Division of Medical Assistance  
41 and Health Services (Medicaid) in the Department of Human  
42 Services.

43 The Division of Medical Assistance and Health Services shall  
44 develop the form of the annual cost report, which shall include  
45 information on costs and revenues in comparable detail as that  
46 required of other providers that submit cost reports to the Medicaid  
47 program. The cost report shall be filed on an annual basis,

1 beginning January 1, 2010, in a form and manner specified by the  
2 division.

3 Personal care assistant services are performed by a certified  
4 homemaker-home health aide and include, but are not limited to:  
5 bathing; toileting; transferring; dressing; grooming; assistance with  
6 ambulation, exercise, and eating and meal preparation; various  
7 household duties; and various health-related activities.

8 Health care service firms, which are required to register with the  
9 Division of Consumer Affairs in the Department of Law and Public  
10 Safety pursuant to N.J.A.C.13:45B-13.1 et seq., are defined as “any  
11 person who operates a firm that employs individuals directly or  
12 indirectly for the purpose of assigning the employed individuals to  
13 provide health care or personal care services either directly in the  
14 home or at a care-giving facility, and who, in addition to paying  
15 wages or salaries to the employed individuals while on assignment,  
16 pays or is required to pay federal social security taxes and State and  
17 federal unemployment insurance; carries or is required to carry  
18 workers’ compensation insurance; and sustains responsibility for  
19 the action of the employed individuals while they render health care  
20 services.

21 The bill takes effect on the 90th day after enactment, but the  
22 Commissioner of Human Services is authorized to take such  
23 anticipatory administrative action in advance thereof as shall be  
24 necessary for its implementation.

SENATE HEALTH, HUMAN SERVICES AND SENIOR  
CITIZENS COMMITTEE

STATEMENT TO  
**SENATE, No. 3051**

with committee amendments

**STATE OF NEW JERSEY**

DATED: DECEMBER 7, 2009

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Senate Bill No. 3051.

As amended by committee, this bill requires a health care service firm, as a condition of receiving reimbursement from the State Medicaid program for providing personal care assistant services to Medicaid recipients, to file an annual cost report with the Division of Disability Services in the Department of Human Services (DHS).

The Division of Disability Services shall develop the form of the annual cost report, which shall include information on costs and revenues. The cost report shall be filed on an annual basis, beginning January 1, 2010, in a form and manner specified by the division.

“Personal care assistant services,” as described in N.J.A.C.10:60-3.3, include activities of daily living (such as grooming, toileting, ambulation, eating, and dressing), household duties that are essential to the beneficiary’s health and comfort (such as cleaning, shopping for food and supplies, and preparing and serving meals), and health-related activities (such as helping with exercises, assisting with medications, and taking temperature and respiration), which are performed by a personal care assistant.

Health care service firms, which are required to register with the Division of Consumer Affairs in the Department of Law and Public Safety pursuant to N.J.A.C.13:45B-13.1 et seq., are defined as “any person who operates a firm that employs individuals directly or indirectly for the purpose of assigning the employed individuals to provide health care or personal care services either directly in the home or at a care-giving facility, and who, in addition to paying wages or salaries to the employed individuals while on assignment, pays or is required to pay Federal social security taxes and State and Federal unemployment insurance; carries or is required to carry worker’s compensation insurance; and sustains responsibility for the action of the employed individuals while they render health care services.”

The bill takes effect on the 90th day after enactment, but the Commissioner of Human Services is authorized to take such

anticipatory administrative action in advance thereof as shall be necessary for its implementation.

The committee amended the bill to:

-- delete the requirement that the annual cost report filed by health care service firms include information in comparable detail as that required of other providers that submit cost reports to the Medicaid program;

-- incorporate by reference language from DHS regulations (at N.J.A.C.10:60-3.3), which describes “personal care assistant services,” in lieu of the definition for that term that was previously provided in the bill; and

-- require that the annual cost report be filed with the Division of Disability Services, rather than the Division of Medical Assistance and Health Services, in DHS.

As amended, this bill is identical to Assembly Bill No. 3990 (1R) (Cryan), which is pending before the General Assembly.