

LEGISLATIVE HISTORY CHECKLIST

NJSA: 30:4E-1 et seq. (Home Care Expansion Act")

LAWS OF: 1988 **CHAPTER:** 92

BILL NO: S2009

SPONSOR(S): Van Wagner

Date Introduced: February 2, 1988

Committee: **Assembly:** Appropriations
Senate: Aging

Amended during passage: Yes Amendments during passage denoted by asterisks.

Date of Passage: **Assembly:** June 13, 1988
Senate: April 18, 1988

Date of Approval: August 4, 1988

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: **Assembly** Yes
Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: Yes

Public hearing on similar bill, introduced during previous legislative session:

974.90 New Jersey. Legislative. Senate. Aging Committee,
044 Public hearing, held 8-4-86, 9-30-86, W. Long Branch & W. New York, 1986.
1986N

See also New Jersey. Department of Human Services.

974.90 Looking back, looking ahead-- the first 3 years of the CCPED program,
044 October 1, 1983 to September 30, 1986. Trenton, 1986.
1988f

[SECOND REPRINT]

SENATE, No. 2009

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 2, 1988

By Senator VAN WAGNER

1 AN ACT concerning community care for the elderly and disabled
2 ¹[and making an appropriation therefor]¹.

3

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

6 1. This act shall be known and may be cited as the "Home
7 Care Expansion Act."

8 2. The Legislature finds and declares that:

9 a. The need to offer care services to the growing number of
10 frail elderly and disabled persons in New Jersey and the benefits
11 derived from the provision of these services are well documented;

12 b. While State government has responded to the home care
13 needs of the State's elderly and disabled population through the
14 Medicaid Community Care Program for the Elderly and Disabled
15 (CCPED), there remains a substantial number of people whose
16 home care needs have not been met;

17 c. Many of these frail elderly and disabled people in the
18 "no-care" zone are equipped to impoverish themselves to receive
19 services under Medicaid;

20 d. The limitations on resources that a person may have to
21 participate in the Medicaid program or the Community Care
22 Program for the Elderly and Disabled are so restrictive as to
23 make many of those in need of home care ineligible for needed
24 services;

25 e. Many people who need care to remain in their homes do not
26 have the funds to pay privately for the services; and,

27 f. It is therefore necessary to establish a program to extend
28 such services to a greater number of the State's elderly and
29 disabled population.

30 3. As used in this act:

31 a. "Commissioner" means the Commissioner of the
Department of Human Services.

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:

¹ Senate SAG committee amendments adopted March 21, 1988.

² Assembly floor amendments adopted June 9, 1988.

- 1 b. "Program" means the Home Care Expansion Program.
- 2 4. a. The commissioner shall establish and administer through
3 the Division of Medical Assistance and Health Services in the
4 Department of Human Services a program which shall be known
5 as the Home Care Expansion Program, and which shall be funded
6 with Casino Revenue Fund monies. This program shall
7 incorporate, whenever possible, the features of CCPED, including
8 eligibility criteria, with the exception of Medicaid resource and
9 income limitations.
- 10 b. In order to ensure maximum efficiency in the use of State
11 funds and prevent duplication of services, the Home Care
12 Expansion Program shall utilize mechanisms currently in place in
13 the CCPED program.
- 14 5. a. Individuals served by the Home Care Expansion Program
15 shall receive a comprehensive assessment of the need for
16 long-term home care services. A case manager shall develop a
17 plan of care. In addition, the case manager shall provide ongoing
18 monitoring of the individual's situation, services and cost of care.
- 19 b. The program shall consist of the following services: home
20 health care, medical day care, non-emergency medical
21 transportation, case management, social adult day care,
22 homemaker care and respite care. The commissioner may expand
23 the scope of services by regulation.
- 24 c. The commissioner shall determine that the services to be
25 provided are medically necessary and will assist in avoiding
26 institutionalization.
- 27 d. The cost of care for each individual shall be limited to an
28 annual amount that is based on a percentage of the cost of
29 nursing home care. The payment for services received by an
30 eligible person under this act shall not exceed a percentage, as
31 established by the commissioner, of the payment for the
32 comparable level of care that the person would receive in a
33 skilled nursing home or intermediate care facility under the
34 Medicaid program pursuant to P.L. 1968, c. 413 (C. 30:4D-1 et
35 seq.).
- 36 e. Eligible persons shall share in the cost of services,
37 depending on the amount of their monthly income, in accordance
38 with standards and criteria prescribed by the commissioner.
- 39 6. Any person who is a resident of this State, with resources

1 within limits set by the commissioner, and is 65 years of age or
2 older and is eligible for Medicare benefits or has other medical
3 insurance which includes physician coverage and hospitalization,
4 and whose annual income is less than \$18,000.00 if single, or if
5 married, whose annual income combined with that of his spouse is
6 less than \$21,000.00, is eligible for assistance under the program.

7 Any person under the age of 65 who is determined to be
8 disabled by the Social Security Administration (SSA) or by the
9 Division of Public Welfare, Bureau of Medical Affairs in the
10 Department of Human Services, using SSA criteria, and is eligible
11 for Medicare benefits, or has other medical coverage which
12 includes physician and hospital coverage and who meets the
13 income eligibility requirements of this section, is eligible for
14 assistance under the program.

15 7. 2a.² The commissioner shall establish criteria for
16 determining medical and financial eligibility, including provisions
17 for submission of proof of income, resources and health
18 insurance, and a system of providing services to eligible persons.

19 2b. The commissioner shall establish resource limits and
20 co-payment schedules to ensure that the expenditures for the
21 program are within the limits of the funds appropriated for the
22 purposes of this act.²

23 8. Notwithstanding any provisions of this act to the contrary, a
24 person eligible for comparable home care services assistance
25 available under Title XIX (Medicaid) of the federal Social
26 Security Act (42 U.S.C. § 1396 et seq.), but who does not receive
27 the services due to the unavailability of the services in the
28 person's county of residence, is eligible for the services provided
29 pursuant to this act.

30 A person receiving comparable home care services assistance
31 pursuant to Title XIX of the federal Social Security Act (42
32 U.S.C. § 1396 et seq.) is not eligible for the services provided
33 pursuant to this act.

34 9. The commissioner is entitled to call upon the assistance, or
35 contract for the services of any State, federal, or local agency as
36 may be necessary to implement the provisions of this act.

37 10. The commissioner shall submit a report on the program to
38 the Governor and the Legislature, including the Senate Standing
39 Reference Committee on Institutions Health and Welfare and the

1 General Assembly Standing Reference Committee on Health and
Human Resources within six months after the first year of
3 operation of the program. The report shall include, but not be
limited to, a detailed summary of the activities of the program,
5 including the services provided, costs incurred, and the number of
persons served, and a study of its overall impact and specific
7 impacts in urban, suburban, and rural counties.

11 11. The commissioner shall adopt rules and regulations
pursuant to the "Administrative Procedure Act," P.L. 1968, c.
410 (C. 52:14B-1 et seq.) necessary to carry out the purposes of
this act.

13 ¹[12. There is appropriated to the Department of Human
Services \$8,000,000.00 from the Casino Revenue Fund established
pursuant to section 145 of P.L. 1977, c. 110 (C. 5:12-145) to carry
15 out the purposes of this act.]¹

17 ¹[13.] 12.¹ This act shall take effect on the first day of the
ninth month following enactment.

19

SENIOR CITIZENS

21

Health

23 Designated the "Home Care Expansion Act."

1 limited to, a detailed summary of the activities of the program,
including the services provided, costs incurred, and the number of
3 persons served, and a study of its overall impact and specific
impacts in urban, suburban, and rural counties.

5 11. The commissioner shall adopt rules and regulations
pursuant to the "Administrative Procedure Act," P. L. 1968, c.
7 410 (C. 52:14B-1 et seq.) necessary to carry out the purposes of
this act.

9 12. There is appropriated to the Department of Human
Services \$8,000,000.00 from the Casino Revenue Fund established
11 pursuant to section 145 of P.L. 1977, c. 110 (C. 5:12-145) to carry
out the purposes of this act.

13 13. This act shall take effect on the first day of the ninth
month following enactment.

15

17

STATEMENT

19 This bill is designated the "Home Care Expansion Act" and
establishes the Home Care Expansion Program in the Department
21 of Human Services. The program complements the existing
Community Care Program for the Elderly and Disabled (CCPED)
23 and Medicaid program for elderly and disabled persons by raising
the eligibility resource limitation and the income eligibility level,
25 allowing additional people to receive services comparable to
those already provided under CCPED and Medicaid. The bill uses
27 established mechanisms in the Division of Medical Assistance and
Health Services within the department to administer the program.

29 The services provided under the bill include: home health care,
medical day care, nonemergency medical transportation, case
31 management, social adult day care, homemaker care and respite
care. The cost of care for each individual is limited to an annual
33 amount that is based on a percentage of the cost of nursing home
care.

35 The bill appropriates \$8,000,000.00 from the Casino Revenue
Fund to effectuate the purposes of the act.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 2009

STATE OF NEW JERSEY

DATED: MAY 23, 1988

The Assembly Appropriations Committee favorably reports Senate Bill No. 2009 (1R).

Senate Bill No. 2009 (1R) establishes the Home Care Expansion Program in the Department of Human Services. The program complements the existing Community Care Program for the Elderly and Disabled (CCPED) and Medicaid program for elderly and disabled persons by increasing the eligibility resource limitation and the income eligibility level, thereby allowing additional people to receive services comparable to those already provided under CCPED and Medicaid.

The services provided under the bill include: home health care, medical day care, nonemergency medical transportation, case management, social adult day care, homemaker care and respite care. The cost of care for each individual is limited to an annual amount that is based on a percentage of the cost of nursing home care, as established by the Commissioner. The program is limited to residents of the State, 65 years or older, with annual incomes less than \$18,000 if single or less than \$21,000 if married.

Senate Bill No. 2009 (1R) is identical to Assembly Bill No. 2365 (1R).

This bill was recommended by the Sub-committee on Governmental Operations, Public Investments and Finance on May 16, 1988.

FISCAL IMPACT

This bill contains no appropriation. The appropriations act for fiscal year 1988 contains an appropriation of \$8,000,000 from the Casino Revenue Fund for this program. The Governor's budget recommendation for fiscal year 1989 also includes the identical amount.

SENATE COMMITTEE ON AGING

STATEMENT TO

SENATE, No. 2009

with Senate committee amendments

STATE OF NEW JERSEY

DATED: MARCH 21, 1988

The Senate Committee on Aging favorably reports Senate Bill No. 2009 with committee amendments.

As amended, this bill is designated the "Home Care Expansion Act" and establishes the Home Care Expansion Program in the Department of Human Services. The program complements the existing Community Care Program for the Elderly and Disabled (CCPED) and Medicaid program for elderly and disabled persons by raising the eligibility resource limitation and the income eligibility level, thereby allowing additional people to receive services comparable to those already provided under CCPED and Medicaid. The bill uses established mechanisms in the Division of Medical Assistance and Health Services within the department to administer the program.

The services provided under the bill include: home health care, medical day care, nonemergency medical transportation, case management, social adult day care, homemaker care and respite care. The cost of care for each individual is limited to an annual amount that is based on a percentage of the cost of nursing home care.

The amendments delete the bill's appropriation of \$8,000,000. An appropriation for the program from the Casino Revenue Fund is included in the Governor's budget recommendations for Fiscal Year 1989.

A similar bill, Assembly Bill No. 2365 1R (Singer/Moran) is currently pending in the General Assembly's Governmental Operations, Public Investments and Finance Subcommittee.

It is the recommendation of the Senate Committee on Aging that Senate Bill No. 91 (Van Wagner), now pending before the Senate Institutions, Health and Welfare Committee, be moved as a companion measure to Senate Bill No. 2009. Senate Bill No. 91 is designated the "Home Health and Community Care Demonstration Program Act." The demonstration program established pursuant to that bill would provide a necessary opportunity to assess and study the costs of providing home health care services to those otherwise needy individuals who do not meet the financial requirements of the program established pursuant to Senate Bill No. 2009.