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REPORTS: No

HEARINGS: No

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§§1,2 -
C.26:2H-51 &
26:2H-5m
§3 - Note

P.L. 2019, CHAPTER 173, *approved July 19, 2019*

Senate, No. 1373

1 **AN ACT** concerning governmental home health care agencies and
2 supplementing Title 26 of the Revised Statutes.

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

6
7 1. Notwithstanding any provision of Title 26 of the Revised
8 Statutes or any regulation promulgated thereunder to the contrary, a
9 county or municipal government that is the licensed operator of a
10 home health agency may contract with a non-governmental entity
11 that is licensed as a home health care agency to provide direct
12 services, administration, and financial services on behalf of the
13 governmental home health care agency, provided that the
14 governmental body that is the licensed operator retains ultimate
15 control over key governance responsibilities. Any such contractual
16 arrangement shall be subject to approval by the Department of
17 Health. Nothing in this section shall be construed to supersede any
18 applicable law or regulation concerning public bidding, licensure of
19 non-governmental home health care agencies, or reimbursement for
20 publicly funded health care programs.

21
22 2. The Commissioner of Health shall, in accordance with the
23 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
24 seq.), adopt any rules and regulations as the commissioner deems
25 necessary to carry out the provisions of this act.

26
27 3. This act shall take effect on the first day of the seventh
28 month next following the date of enactment, except that the
29 Commissioner of Health may take any anticipatory administrative
30 action in advance as shall be necessary for the implementation of
31 this act.

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34 **STATEMENT**

35

36 This bill would permit a government-owned home health agency
37 to contract with a non-governmental entity that is licensed as a
38 home health care agency to provide direct services, administration,
39 and financial services. Current regulations at N.J.A.C.8:42-3.1
40 require a licensed home health agency to routinely provide nursing
41 services through its own staff, allowing an agency to retain nursing

1 services by contract only (1) temporarily because all available
2 employees have achieved maximum caseloads; or (2) to provide
3 specialized care that is not within either the expertise or scope of
4 practice of existing staff. This bill would allow governmental home
5 health agencies to contract with non-governmental agencies to
6 deliver services on a longer-term basis.

7 Under the bill, a contract between a governmental home health
8 care agency and a non-governmental contractor must leave ultimate
9 control over key governance responsibilities to the governmental
10 body that is the licensed operator. Any such contractual
11 arrangement would be subject to approval by the Department of
12 Health. Nothing in the bill would supersede any applicable law or
13 regulation concerning public bidding, licensure of non-
14 governmental home health care agencies, or reimbursement for
15 publicly funded health care programs.

16 It is the sponsor's belief that county and municipal governments
17 continue to have an important role in providing public health care
18 services to their residents that can be essential to ensure quality
19 health care services are available to all underserved residents,
20 irrespective of their ability to pay. However, governmental health
21 care agencies are often faced with challenges in the efficient
22 delivery of health care services not faced by private entities, and
23 these challenges can negatively affect their ability to serve as
24 critical access providers. By granting more flexibility to contract
25 for services, these governmental health care agencies can better
26 serve their missions to provide needed health care to their residents.

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31 Expands option of governmental home health care agency to
32 partner with non-governmental providers to deliver health care
33 services.

SENATE, No. 1373

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 1, 2018

Sponsored by:

Senator JEFF VAN DREW

District 1 (Atlantic, Cape May and Cumberland)

Assemblyman BOB ANDRZEJCZAK

District 1 (Atlantic, Cape May and Cumberland)

Assemblyman R. BRUCE LAND

District 1 (Atlantic, Cape May and Cumberland)

Assemblyman MATTHEW W. MILAM

District 1 (Atlantic, Cape May and Cumberland)

Co-Sponsored by:

Assemblywoman McKnight

SYNOPSIS

Expands option of governmental home health care agency to partner with non-governmental providers to deliver health care services.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/24/2019)

1 AN ACT concerning governmental home health care agencies and
2 supplementing Title 26 of the Revised Statutes.

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27 3. This act shall take effect on the first day of the seventh
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S1373 VAN DREW

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20 serve their missions to provide needed health care to their residents.

ASSEMBLY HEALTH AND SENIOR SERVICES COMMITTEE

STATEMENT TO

SENATE, No. 1373

STATE OF NEW JERSEY

DATED: MARCH 7, 2019

The Assembly Health and Senior Services Committee reports favorably Senate Bill No. 1373.

This bill would permit a government-owned home health agency to contract with a non-governmental entity that is licensed as a home health care agency to provide direct services, administration, and financial services. Current regulations at N.J.A.C.8:42-3.1 require a licensed home health agency to routinely provide nursing services through its own staff, allowing an agency to retain nursing services by contract only (1) temporarily because all available employees have achieved maximum caseloads; or (2) to provide specialized care that is not within either the expertise or scope of practice of existing staff. This bill would allow governmental home health agencies to contract with non-governmental agencies to deliver services on a longer-term basis.

Under the bill, a contract between a governmental home health care agency and a non-governmental contractor must leave ultimate control over key governance responsibilities to the governmental body that is the licensed operator. Any such contractual arrangement would be subject to approval by the Department of Health. Nothing in the bill would supersede any applicable law or regulation concerning public bidding, licensure of non-governmental home health care agencies, or reimbursement for publicly funded health care programs.

As reported by the committee, Senate Bill No. 1373 is identical to Assembly Bill No. 3207 which was reported by the committee on this date.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 1373

STATE OF NEW JERSEY

DATED: OCTOBER 15, 2018

The Senate Health, Human Services and Senior Citizens Committee reports favorably Senate Bill No. 1373.

This bill would permit a government-owned home health agency to contract with a non-governmental entity that is licensed as a home health care agency to provide direct services, administration, and financial services. Current regulations at N.J.A.C.8:42-3.1 require a licensed home health agency to routinely provide nursing services through its own staff, allowing an agency to retain nursing services by contract only (1) temporarily because all available employees have achieved maximum caseloads; or (2) to provide specialized care that is not within either the expertise or scope of practice of existing staff. This bill would allow governmental home health agencies to contract with non-governmental agencies to deliver services on a longer-term basis.

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ASSEMBLY, No. 3207

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 8, 2018

Sponsored by:

Assemblyman BOB ANDRZEJCZAK

District 1 (Atlantic, Cape May and Cumberland)

Assemblyman R. BRUCE LAND

District 1 (Atlantic, Cape May and Cumberland)

Assemblyman MATTHEW W. MILAM

District 1 (Atlantic, Cape May and Cumberland)

Co-Sponsored by:

Assemblywoman McKnight

SYNOPSIS

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ASSEMBLY HEALTH AND SENIOR SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3207

STATE OF NEW JERSEY

DATED: MARCH 7, 2019

The Assembly Health and Senior Services Committee reports favorably Assembly Bill No. 3207.

This bill would permit a government-owned home health agency to contract with a non-governmental entity that is licensed as a home health care agency to provide direct services, administration, and financial services. Current regulations at N.J.A.C.8:42-3.1 require a licensed home health agency to routinely provide nursing services through its own staff, allowing an agency to retain nursing services by contract only (1) temporarily because all available employees have achieved maximum caseloads; or (2) to provide specialized care that is not within either the expertise or scope of practice of existing staff. This bill would allow governmental home health agencies to contract with non-governmental agencies to deliver services on a longer-term basis.

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As reported by the committee, Assembly Bill No. 3207 is identical to Senate Bill No. 1373 which was reported by the committee on this date.

Governor Murphy Takes Action on Legislation

07/19/2019

TRENTON – Today, Governor Phil Murphy signed the following bills and resolutions into law:

AJR26 (Downey, Houghtaling, Quijano, Mosquera, Vainieri Huttle, Benson, Jasey, McKnight/Pou, Codey) - Designates September of each year as "Youth Suicide Prevention Awareness Month" in New Jersey.

AJR87 (Murphy, Mosquera, Pinkin/Singleton, Addiego) - Designates January 11 of each year as "Alice Paul Day" in New Jersey.

A769 (Caputo, Giblin, Vainieri Huttle/A.R. Bucco, Ruiz) - Requires school districts to incorporate age-appropriate sexual abuse and assault awareness and prevention education in grades preschool through 12 as part of New Jersey Student Learning Standards in Comprehensive Health and Physical Education.

A1048 (Houghtaling, Downey, Mukherji, Holley/Turner, Stack) - Requires property tax bills to contain eligibility information on State tax relief programs.

A1190 (Jones, Giblin, Mukherji/Beach, Cruz-Perez) - Concerns appointment of person to control funeral and disposition of human remains.

A1369 (Kennedy, DeAngelo, Vainieri Huttle, Benson, Quijano/Greenstein, Addiego) - Allows for cancellation of certain service contracts without paying early termination fee if customer becomes deceased prior to end of service contract.

A1428 (McKnight, Chaparro, Chiaravalloti, Vainieri Huttle/Ruiz, Cunningham) - Requires Department of Education to develop guidelines for school districts concerning child trafficking awareness and prevention.

A3766 (Armato, Houghtaling, Murphy, Jones/Corrado) - Requires public officer or employee to forfeit pension upon conviction for corruption of public resources, sexual contact, lewdness, or sexual assault when offense involves or touches upon public office or employment.

A5162 (Speight, Reynolds-Jackson/Beach) - Permits county board of chosen freeholders to increase membership of county board of elections.

A5456 (Armato, Kennedy, Speight/Greenstein, Bateman) - Authorizes NJ Infrastructure Bank to expend certain sums to make loans for environmental infrastructure projects for FY2020.

A5457 (Danielsen, Swain, Milam/Codey) - Appropriates funds to DEP for environmental infrastructure projects for FY2020.

A5462 (Milam, Speight, Murphy/Smith) - Modifies powers and duties of New Jersey Infrastructure Bank.

S692 (Ruiz, Sarlo/Jasey, Caputo, Holley) - Prohibits the DOE from regulating maximum salary amount school district may pay its superintendent of schools and codifies standards for contract review.

S756 (Diegnan, Turner/Calabrese, Sumter, Pinkin) - Updates notice of elections requirements to include information for voter to obtain polling place locations.

S858 (Turner, Diegnan/Jasey, Caputo) - Requires teachers of health and physical education in grades kindergarten through six in public schools to possess appropriate endorsement to instructional certificate.

S954 (Vitale, Singleton, Madden/Conaway, Moriarty, Sumter, McKnight, Mukherji, Downey) - Enters New Jersey in enhanced multistate Nurse Licensure Compact.

S1373 (Andrzejczak/Land, Milam) - Expands option of governmental home health care agency to partner with non-governmental providers to deliver health care services.

S1707 (Oroho, Bateman, Andrzejczak/Space, Wirths) - Exempts governmental entities acquiring lands for open space located in a deed-authorized common interest community from paying community fees if, at time of acquisition, community has never been formed or has been dissolved or discontinued.

S1761 (Weinberg, Singleton/Pintor Marin, Lampitt, Pinkin, Munoz, McKeon) - Expands the Address Confidentiality Program to include victims of sexual assault and stalking; and reproductive health service patients and providers.

S1799 (A.R. Bucco/A.M. Bucco, Murphy, Caputo) - Increases membership of fire safety commission in DCA.

S2472 (Singleton, Murphy/Conaway, Timberlake) - Requires certain real estate licensees to complete courses of study concerning fair housing and housing discrimination.

S2489 (Cruz-Perez, Turner/Mosquera, Jones, Holley, McKnight, Downey) - Requires board of education to post information about child abuse hotline in each school.

S2575 (Diegnan, Greenstein/Karabinchak, Reynolds-Jackson) - Establishes task force to examine and make recommendations regarding implementation of "Anti-Bullying Bill of Rights Act."

S2944 (Ruiz, Cunningham/Pintor Marin, McKnight, Chiaravalloti) - Permits certain council members to appoint up to four fulltime equivalent aides; allows these aide positions to be divided into part-time positions.

S2994 (Ruiz/Freiman, McKeon, Schaer) – Concerns refunds following terminations or cancellations of guaranteed asset protection waivers.

S3043 (Madden, Oroho/Mosquera, Pintor Marin) - Clarifies that family day care providers or other persons who are subjects of criminal history record back checks have access to disqualifying information.

S3452 (Ruiz, Pou/Lopez, Holley, Schaer) - Requires certain consumer reporting agencies to make consumer reports available to consumers in Spanish and certain other languages.

S3899 (Ruiz/Burzichelli) - Allows TPAF retiree to be employed, without TPAF reenrollment, by school district as certificated superintendent or administrator for more than two years when in best interests of school district.