

LEGISLATIVE FISCAL ESTIMATE

[Fifth Reprint]

ASSEMBLY, No. 4049

STATE OF NEW JERSEY 220th LEGISLATURE

DATED: JANUARY 11, 2024

SUMMARY

- Synopsis:** Provides for presumptive eligibility for home and community-based services and services provided through program of all-inclusive care for the elderly under Medicaid.
- Type of Impact:** Annual net State cost savings and annual net State revenue loss.
- Agencies Affected:** Department of Human Services.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
Net State Cost Savings	\$17.2 million to \$62.7 million
Net State Revenue Loss	\$8.6 million to \$31.3 million

- The Office of Legislative Services (OLS) determines that requiring presumptive eligibility for Medicaid, including home and community based services (HCBS) accessed through the State’s managed long-term services and supports program and programs of all-inclusive care for the elderly (PACE), will reduce annual State Medicaid expenditures and result in annual net State cost savings of \$17.2 million to \$62.7 million.
- Providing for presumptive eligibility under Medicaid for these services would result in State cost savings by allowing for an applicant’s care needs to be met outside of a nursing home setting and, instead, via less expensive community-based care. The magnitude of cost savings, however, will be reduced somewhat due to increased costs for HCBS or PACE services provided to applicants during the presumptive eligibility period.
- Because State Medicaid expenditures are expected to decrease under the bill, State revenues are also expected to be lower from reduced federal reimbursements. The net State revenue loss is estimated at \$8.6 million to \$31.3 million annually.

BILL DESCRIPTION

The bill requires the Department of Human Services to provide for the presumptive eligibility for the State Medicaid program including, where appropriate, eligibility for the managed long-term services and supports program for an individual seeking HCBS or PACE enrollment. An individual seeking presumptive eligibility under this bill will be required to submit a request in a manner determined by the department. The department will provide each individual granted presumptive eligibility a written notice explaining the terms and conditions of presumptive eligibility and the services that the individual will be eligible to receive. Coverage will begin upon the receipt of an individual's request for services and will end if the individual is determined clinically or financially ineligible for such services during the eligibility determination process. A provider will be reimbursed for all Medicaid-eligible services rendered to an individual who has been granted presumptive eligibility under the bill, regardless of whether the individual granted presumptive eligibility is determined to be clinically or financially ineligible during the eligibility determination process.

The provision of presumptive eligibility for the services required under the bill will be contingent upon the receipt of all necessary federal approvals and securing federal reimbursement for State Medicaid expenditures.

In designing the presumptive eligibility program for HCBS and PACE services, the Department of Human Services will evaluate other states' initiatives to provide presumptive eligibility for HCBS for Medicaid enrollees, and consider procedures to minimize costs attributable to determinations of clinical or financial ineligibility for such services under the State Medicaid program.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received; however, the following data was provided in the FY 2024 Governor's Budget. These data were utilized to establish the estimate discussed below.

<u>Service</u>	<u>FY2024 AVERAGE MONTHLY CLIENTS</u>	<u>FY 2024 AVERAGE COST PER CLIENT PER MONTH</u>
Nursing Home Services	25,231	\$6,827.73
Program of All-inclusive Care for the Elderly (PACE)	1,304	\$5,075.43
Community-Based Long Term Care Services (HCBS)	45,584	\$3,093.48

OFFICE OF LEGISLATIVE SERVICES

The OLS determines that requiring presumptive eligibility under Medicaid for the managed long-term services and supports program's HCBS and PACE services will reduce annual State Medicaid expenditures and result in annual net State cost savings of \$17.2 million to \$62.7 million. Because State Medicaid expenditures are expected to decrease under the bill, State revenues are

also expected to be lower by \$8.6 million to \$31.3 million annually from reduced federal reimbursements. Generally, presumptive eligibility provides individuals access to Medicaid services without having to wait for their application to be fully processed.

Cost savings occur under presumptive eligibility when an applicant's care needs can be met outside of a nursing home setting, which is typically more expensive than community-based care. Using retroactive eligibility, Medicaid applicants currently have more immediate access to nursing home services when the need for long-term care arises. Retroactive eligibility allows Medicaid providers to submit claims for eligible services provided in the three month window immediately prior to the beneficiary's eligibility determination. Generally, under retroactivity eligibility, a nursing home facility can decide to assume the financial responsibility of providing three months of services with a delay in payment, and admit a resident with a pending Medicaid eligibility determination. Many HCBS and PACE providers, however, lack this financial flexibility.

Under this bill, Medicaid applicants will be able to use presumptive eligibility to access HCBS and PACE from the time of initial need. Assuming that five to 15 percent of enrollees, who absent the bill would receive nursing home services, instead would receive home and community-based services under the bill, results in a \$56.5 million to \$169.6 million annual cost savings to the State. These savings would be offset somewhat, however, from the increase in costs for services provided to applicants during the presumptive eligibility period. Based on studies and certain OLS assumptions regarding increased utilization of HCBS and PACE by providing presumptive eligibility for applicants, the OLS estimates the total annual net cost savings to the State under the bill to be \$17.2 million to \$62.7 million. If a more dramatic shift occurs and more applicants pursue home and community-based services, instead of more costly care provided in nursing homes, State cost savings would be higher. The OLS notes that lower State Medicaid spending would also reduce revenues from federal reimbursements. The OLS estimates the annual net State revenue loss under this bill to be in the range of \$8.6 million to \$31.3 million.

The assumption of cost savings under presumptive eligibility is supported by multiple studies that determined that offering immediate access to home and community-based services, without waiting for the lengthy Medicaid eligibility determination process to be complete, is cost effective for states. For example, Colorado offered a "Fast Track" Medicaid financial eligibility program for HCBS to pilot program participants who were discharged from the hospital. The pilot program enrolled a total of 115 participants, at a total cost of \$106,879; by contrast, cost savings under the pilot program were estimated at \$407,012. Another study determined that a similar Washington state program saved Medicaid an average of \$1,964 per beneficiary each month by helping individuals access community services instead of institutional care.

The OLS notes several variables that may affect the cost of services under this bill, such as: the administrative costs associated with implementing the program; the unpredictability of how many applicants will submit requests for presumptive eligibility under the applicable programs, as well as the length of the presumptive eligibility period; provider capacity to deliver services to these applicants; and unknown components of the presumptive eligibility program that will be determined following enactment, such as the type of providers or staff who will be authorized to determine presumptive eligibility and the funding sources for service costs incurred for an individual who is determined ineligible for Medicaid.

The Department of Human Services' administrative costs will increase by an indeterminate amount in order to comply with a provision in the bill that requires the department to assess other states' presumptive eligibility programs and to consider processes to minimize State Medicaid costs related to determinations of clinical or financial ineligibility for HCBS accessed through the managed long-term services and supports program.

Section: Human Services

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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.).