

July 13, 2023

**LEGAL NOTICE**  
**STATE OF NEW JERSEY**  
**DEPARTMENT OF HUMAN SERVICES**  
**DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES**  
**Assisted Living Facility Rates**

**TAKE NOTICE** the New Jersey Department of Human Services (DHS), Division of Medical Assistance and Health Services (DMAHS) intends to seek any required approval from the United States Department of Health and Human Services (HHS), Centers for Medicare and Medicaid Services (CMS), in order to implement any changes to existing rates in accordance with the passage of P.L.2023, c.80 regarding Assisted Living Facility Rates.

Notwithstanding any law or regulation to the contrary, DHS intends to seek any required approval by CMS such that Assisted Living Residential Facilities (ALRs) and Comprehensive Personal Care Homes (CPCs) shall receive highest tier reimbursement when they qualify as a Medicaid Partner Community (MPC). MPCs are defined as any CPC or ALR provider who 1) has a Land Use Restriction Agreement covering their facility specifying that 100% of residents are required to have income below 80% Area Median Income AND 2) has participated in the New Jersey Family Care Assisted Living Tiered Rate Increase program for fewer than two yearly population percentage determination cycles (as described in section 1.c. of P.L.2023, c.80) or it has been 18 months or less since their first NJ FamilyCare claim submission, whichever is longer.

Upon implementation of the aforementioned rate changes, New Jersey will remain within its budget neutrality limits as set forth in its approved 1115 Demonstration Waiver.

The fee schedules will be published on the Department's fiscal agent's website at <https://www.njmmis.com> under "rate and code information" when available.

This Notice is intended to satisfy the requirements of Federal statutes and regulations, specifically 42 CFR 447.205, and 42 U.S.C. 1396a(a)(13). A copy of this Notice is available for public review at the Medical Assistance Customer Centers, County Welfare Agencies, and the Department's website at:

<http://www.state.nj.us/humanservices/providers/grants/public/index.html>.

Comments or inquiries must be submitted in writing within 30 days of the date of this notice to:

Division of Medical Assistance and Health Services  
Office of Legal & Regulatory Affairs  
Attention: Margaret Rose  
P.O. Box 712, Mail Code #26  
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