



State of New Jersey
Department of Human Services
Division of Medical Assistance & Health Services
Division of Developmental Disabilities

NEWSLETTER

Volume 30 No. 19

August 2020

TO: Providers of Community Care Program or Supports Program Services – **For Action**
Managed Care Organizations – **For Information Only**

SUBJECT: Temporary Employment Agencies

EFFECTIVE: Immediately

PURPOSE: To notify providers of a policy decision related to contracting with a temporary employment agency to supplement staffing needs for the Community Care Program (CCP) or the Supports Programs.

BACKGROUND: The NJ FamilyCare (NJFC) Medicaid Fee-For-Service Program explicitly precludes the use of sub-contracting by a New Jersey Division of Developmental Disabilities (DDD)/NJFC Medicaid approved provider. This policy is not subject to change. However, DDD brought to the Division's attention an important need for DDD providers to contract with a qualified temporary employment agency for temporary staff to ensure their compliance with DDD staffing requirements. An example of this is could be a DDD/Medicaid approved provider of Individual Supports needing temporary staffing to ensure compliance with required staffing ratios.

DDD conducted a review of current services that would benefit from accessing qualified temporary employment agency staffing. For both CCP and Supports, these services would include behavioral supports, day habilitation, interpreter services, occupational therapy, physical therapy, and speech, language, and hearing therapy. For CCP, an additional service would include individual supports and for Supports Program, an additional service would include community based supports.

ACTION: **Effective Immediately**, a qualified temporary employment agency that will provide one or more of the identified services to a DDD/NJFC approved provider must submit the combined DDD/NJFC Medicaid provider application to the State's Fiscal Agent, currently DXC Technology, for approval by the New Jersey Division of Medical Assistance and Health Services (DMAHS). The temporary employment agency shall be screened and assigned a NJFC Medicaid Provider ID Number by DXC Technology.

Any DDD/NJFC Medicaid-approved agency providing temporary employees (acting as a subcontractor) shall maintain a vendor contract with the DDD/NJFC Medicaid enrolled

provider that has requested the temporary staffing services (acting as a contractor). This contract shall outline that the contractor shall complete the DXC billing in exchange for the required services from the subcontractor. The contract shall also outline reimbursement rates, contain a description of needed staff profiles and attestation to assure continuous vetting of current employees to ensure minimum requirements continue to be met. At no time shall that contract violate DDD/NJFC Medicaid requirements. The contract shall be subject to review by DDD and DMAHS.

The subcontractor is responsible for ensuring that any individuals under contract and temporarily employed for staffing purposes fully satisfy all applicable State, federal, and any other licensure and certification requirements, including those regulations incorporated within the DDD/NJFC Medicaid combined application. Failure to assure that all such requirements are met, which are consistent with N.J.A.C. 10:49-9.8(d), may result in either or both actions listed below:

1. DMAHS may recover from the enrolled contractor the NJFC Medicaid reimbursement paid by the Program to the provider for any service rendered by an employee not meeting such requirements; and/or
2. The contractor or subcontractor may be subject to any applicable civil or criminal sanctions and/or penalties.

If a DDD provider has any questions concerning this Newsletter, please contact DDD at 609-633-1482. For questions related to provider enrollment, please contact the DXC Technology Provider Enrollment Unit at 609-588-6036.

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