

30:4D-6a et al

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LEGISLATIVE HISTORY CHECKLIST

NJSA: 30:4D-6a et al

(Recipients of Medicaid or other State assistance health care facilities-- increase monthly personal needs allowance)

LAWS OF: 1985

CHAPTER: 286

Bill No: A1049

Sponsor(s): Doyle and Ford

Date Introduced: January 23, 1984

Committee: Assembly: Corrections, Health and Human Services

Senate: Institutions, Health and Welfare

Amended during passage: Yes Substituted for S1876 (not attached since identical to A1049)

Date of Passage: Assembly: February 4, 1985

Senate: June 27, 1985

Date of Approval: August 12, 1985

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: No

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ASSEMBLY, No. 1049

STATE OF NEW JERSEY

INTRODUCED JANUARY 23, 1984

By Assemblyman DOYLE and Assemblywoman FORD

AN ACT providing for the increase of personal needs allowances
[and],* supplementing ***[Title 30 of the Revised Statutes]***
*P. L. 1968, c. 413 (C. 30:4D-1 et seq.) and amending P. L. 1973,
c. 256*.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. ***[A person who is a resident of a nursing home as defined by**
2 **section 2 of P. L. 1976, c. 210 (C. 30:13-2) or institution as defined**
3 **by R. S. 30:4-23, and who is a recipient of medical assistance**
4 **under the "New Jersey Medical Assistance and Health Services**
5 **Act," P. L. 1968, c. 413 (C. 30:4D-1 et seq.), or a recipient of other**
6 **State assistance, shall be]*** *(New section) Any person who is*
7 *eligible for medical assistance and health services under P. L. 1968,*
8 *c. 413 (C. 30:4D-1 et seq.) and who receives medical assistance*
9 *under subparagraph (4)(a) of subsection a. or under subparagraph*
10 *(11), (13) or (14) of subsection b. of section 6 of P. L. 1968, c. 413*
11 *(C. 30:4D-6), who is not eligible for Supplemental Security Income*
12 *benefits pursuant to 42 U.S.C. § 1382 (e)(1)(B), is** entitled to a
13 \$35.00 monthly personal needs allowance***[**, notwithstanding the
14 provisions of any statute, rule, regulation or law to the contrary***]**.*

1 *2. Section 3 of P. L. 1973, c. 256 (C. 44:7-87) is amended to
2 read as follows:

3 3. The commissioner shall:

4 a. Enter into agreements with the government to secure the
5 administration of supplementary payments by the government for
6 such time and upon such conditions as the commissioner may in his
7 discretion deem appropriate.

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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Assembly committee amendments adopted January 3, 1985.

8 b. Promulgate, alter and amend such rules, regulations and
9 directory orders as are necessary and proper:

10 (1) To implement the terms of the agreement with the govern-
11 ment for the administration by the government of supplementary
12 payments; and

13 (2) To secure social services for eligible persons, and for such
14 other aged, blind or disabled persons as the commissioner may
15 designate.

16 c. Transfer State or welfare board funds, or both, currently
17 appropriated for this State's participation in the federal cate-
18 gorical assistance programs of "Old Age Assistance," R. S. 44:7-3
19 to R. S. 44:7-37, "Assistance for the Blind," P. L. 1962, c. 197
20 (C. 44:7-43 to 44:7-49) and "Permanent and Total Disability
21 Assistance," P. L. 1951, c. 139 (C. 44:7-38 to 44:7-42) and any
22 funds which may in the future be appropriated for the payment of
23 supplementary payments, to the government in such amounts and
24 at such times as the commissioner shall deem appropriate in order
25 to provide for supplementary payments to eligible persons in this
26 State.

27 d. Pay to the government such funds as are necessary to reim-
28 burse the government's expenses in collecting additional informa-
29 tion needed for the State to make eligibility determinations for
30 medical assistance under the New Jersey Medical Assistance and
31 Health Services Act, P. L. 1968, c. 413 (C. 30:4D-1 to 30:4D-19).

32 e. Require welfare boards to perform such eligibility determina-
33 tions as the commissioner may deem necessary for the continuation
34 of the New Jersey Medical Assistance Program under the New
35 Jersey Medical Assistance and Health Services Act, P. L. 1968,
36 c. 413. The commissioner shall pay to the counties a reasonable
37 amount to reimburse the welfare boards for their expenses in
38 making such eligibility determinations.

39 f. Assess welfare boards at the beginning of each fiscal year in
40 the same proportion that the counties currently participate in the
41 federal categorical assistance programs in order to obtain the
42 amount of each county's share of supplementary payments for
43 eligible persons in this State based upon the number of eligible
44 persons in the county. The assessment shall be made as of Janu-
45 ary 1, 1974 for fiscal year 1974. In the event that the assessment
46 against welfare boards in any one year exceeds the amount an-
47 nually transferred to the government for the counties' portion of
48 supplementary payments, the commissioner shall return the excess
49 to the welfare boards in the same proportion as that used by the

50 commissioner in assessing the welfare boards for the fiscal year
51 involved.

52 g. Take appropriate steps to secure maximum federal financial
53 participation in providing assistance to eligible persons residing in
54 residential health care facilities.

55 h. Ensure that any eligible person residing in a rooming or
56 boarding house or residential health care facility has reserved to
57 him a monthly amount, from payment received under the provisions
58 of the act to which this act is a supplement or from any other
59 income, as a personal needs allowance. The personal needs allow-
60 ance may vary according to the type of facility in which an eligible
61 person resides, but in no case shall be less than \$25.00 per month.

62 i. *Ensure that any eligible person who receives medical assistance*
63 *under subparagraph 4(a) of subsection a. or under subparagraph*
64 *(11), (13) or (14) of subsection b. of section 6 of P. L. 1968, c. 413*
65 *(C. 30:4D-6) receives \$10.00 per month, in addition to benefits re-*
66 *ceived pursuant to 42 U.S.C. § 1382(e)(1)(B). If the government*
67 *cannot administer this \$10.00 monthly increase, the commissioner*
68 *shall administer this increase and shall ensure that this increase*
69 *is not considered income, for Supplemental Security Income Pro-*
70 *gram purposes. However, if the government increases the benefit*
71 *level under 42 U.S.C. § 1382(e)(1)(B), the commissioner shall allow*
72 *the government to administer this increase and shall reduce its*
73 *payment to an eligible recipient by an equal amount.**

1 ***[2.]*** *3. (New section)* The Commissioner of Human Ser-
2 vices shall, pursuant to the provisions of the "Administrative Pro-
3 cedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), adopt rules
4 and regulations necessary to effectuate the purposes of this act.

1 ***[3.]*** *4.* This act shall take effect ***[60 days after enactment]***
2 *on the first day of the third month after enactment except that
3 section 2 of this act shall remain inoperative until the approval of
4 the commissioner's administrative plan by the government*.

ASSEMBLY, No. 1049

STATE OF NEW JERSEY

INTRODUCED JANUARY 23, 1984

By Assemblyman DOYLE and Assemblywoman FORD

AN ACT providing for the increase of personal needs allowances
and supplementing Title 30 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. A person who is a resident of a nursing home as defined by
2 section 2 of P. L. 1976, c. 210 (C. 30:13-2) or institution as defined
3 by R. S. 30:4-23, and who is a recipient of medical assistance
4 under the "New Jersey Medical Assistance and Health Services
5 Act," P. L. 1968, c. 413 (C. 30:4D-1 et seq.), or a recipient of other
6 State assistance, shall be entitled to a \$35.00 monthly personal
7 needs allowance, notwithstanding the provisions of any statute,
8 rule, regulation or law to the contrary.

1 2. The Commissioner of Human Services shall, pursuant to the
2 provisions of the "Administrative Procedure Act," P. L. 1968,
3 c. 410 (C. 52:14B-1 et seq.), adopt rules and regulations necessary
4 to effectuate the purposes of this act.

1 3. This act shall take effect 60 days after enactment.

STATEMENT

This bill increases the monthly personal needs allowance from \$25.00 to \$35.00 for all residents of skilled nursing and intermediate care facilities, mental hospitals and State schools for the mentally retarded, who are receiving Medicaid or other State assistance.

The \$25.00 monthly personal needs allowance for SSI recipients in these facilities was originally set under the Social Security Act in 1974. The State has maintained a policy of equity and set the personal needs allowance for Medicaid-only recipients and other State-supported residents of these facilities at the same rate of \$25.00 per month. Since a \$25.00 monthly allowance is no longer adequate to meet the personal needs of these residents, this bill increases the allowance to \$35.00 per month for Medicaid recipients and other State-supported residents in these facilities.

ASSEMBLY CORRECTIONS, HEALTH AND
HUMAN SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1049

STATE OF NEW JERSEY

DATED: FEBRUARY 6, 1984

This bill would increase the monthly personal needs allowance from the current \$25.00 to \$35.00 for all persons residing in skilled and intermediate care facilities, mental hospitals and State schools for the mentally retarded who are receiving Medicaid or other State assistance.

The \$25.00 monthly personal needs allowance was originally required by the federal government in 1974 for Supplemental Security Income (SSI) recipients. The State has since maintained a policy of equity and has set the personal needs allowance for Medicaid-only residents and other State supported residents of State institutions at the same rate of \$25.00 a month. The \$10.00 increase in the personal needs allowance for SSI recipients and non-Medicaid eligible persons will be funded entirely by the State, and for Medicaid-only recipients it will be funded approximately 50% by the State and 50% by the federal government.

SENATE INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1049

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STATE OF NEW JERSEY

DATED: FEBRUARY 25, 1985

This bill increases the monthly personal needs allowance from \$25.00 to \$35.00 for persons who receive Medicaid and Supplemental Security Income (SSI) assistance and reside in a skilled or intermediate care nursing facility, a psychiatric hospital or an intermediate care facility for the mentally retarded.

In the case of persons who receive SSI public assistance, the bill provides that the Commissioner of Human Services shall administer the \$10.00 increase in the allowance if the federal government, which provides the basic \$25.00 allowance, cannot do so. The commissioner is further directed to ensure that the \$10.00 increase is not counted as income for the SSI recipient and thereby deducted from the federal payment.

Approximately 26,000 persons eligible for Medicaid or SSI presently receive a \$25.00 personal needs allowance. A \$10.00 increase in the allowance will cost approximately \$3.1 million a year. The total cost is shared 50% by the federal government, so that the annual State cost will be approximately \$1.55 million.

This bill is identical to Senate Bill No. 1876 as that bill was amended by committee. Companion bills (Assembly Bill No. 1955 and Senate Bill No. 1878) provide that the monthly personal needs allowance shall be increased \$10.00 for those persons who reside in a State or county institution for the mentally ill or mentally retarded and receive some form of public assistance but who do not qualify for Medicaid.