

30:4H-1 to 30:4H-4

LEGISLATIVE HISTORY CHECKLIST

NJSA: 30:4H1 to 30:4H-4 (Legal assistance for Medicare patients-- establish program)

LAWS OF: 1987 **CHAPTER:** 59

Bill No: S2484

Sponsor(s): Pallome

Date Introduced: September 8, 1986

Committee: **Assembly:** Senior Citizens; Appropriations
Senate: Aging

Amended during passage: Yes Senate Committee Substitute (OCR) enacted. Amendments during passage denoted by asterisks.

Date of Passage: **Assembly:** December 18, 1986
Senate: October 23, 1986

Date of Approval: March 3, 1987

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

DO NOT REMOVE FROM ORIGINAL
POSITIVITY COPY
12-4-86 and 12-15-86.

[OFFICIAL COPY REPRINT]
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 2484

STATE OF NEW JERSEY

ADOPTED OCTOBER 6, 1986

AN ACT establishing a program to provide legal assistance to Medicare beneficiaries to appeal denials of federal Medicare benefits, and making an appropriation therefor.

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

1 1. The Legislature finds and declares that: New Jersey home
2 health agencies are reporting increased denials of reimbursement
3 for Medicare home-based skilled nursing care by fiscal intermediaries of the federal Health Care Financing Administration; these
4 home health care cutbacks are particularly serious in the context
5 of national efforts to reduce hospital utilization; patients are leaving the hospital earlier and sicker, and need appropriate follow-up
6 care; and the principal source of post-acute home health care for
7 the elderly and disabled should be the Medicare program.

10 The Legislature further finds and declares that: recent reductions
11 in Medicare home health benefits and other Medicare services may
12 have been made through federal directives to fiscal intermediaries
13 without public review and comment; in some cases benefits are
14 denied in violation of federal law and regulations; and, therefore,
15 a program of legal assistance to aid New Jersey Medicare beneficiaries in appealing such denials should be established.

1 2. The Commissioner of the Department of Human Services, in
2 consultation with the Public Advocate and the Director of the Division on Aging in the Department of Community Affairs, shall
3 establish a legal representation program to assist Medicare beneficiaries under Title XVIII of the Social Security Act in appeals
4 of unfairly denied Medicare coverage. The services provided under
5 this program shall include, but not be limited to, the following:

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 amendment adopted December 3, 1986.

8 outreach to Medicare beneficiaries, the development and dissemina-
 9 tion of educational materials pertaining to the Medicare program
 10 and the claims appeal process, the development and dissemination
 11 of materials for Medicare beneficiaries to submit their own ap-
 12 peals, and the offer of direct legal representation to appeal un-
 13 fairly denied coverage under Part A and Part B of the Medicare
 14 program. Such legal representation may include, but not be limited
 15 to, appeals within the administrative appeals structure and appeals
 16 to the United States District Court.

1 3. The commissioner shall establish guidelines for the operation
 2 of this program, and may contract with one or more qualified non-
 3 profit organizations to provide the services described herein.

1 4. The commissioner shall adopt rules and regulations in accor-
 2 dance with the "Administrative Procedure Act," P. L. 1968, c. 410
 3 (C. 52:14B-1 et seq.) to effectuate the purposes of this act.

1 5. There is appropriated *~~[\$90,000.00]~~* *\$235,000.00* to the De-
 2 partment of Human Services from the General Fund to carry out
 3 the purposes of this act.

1 6. This act shall take effect immediately.

SENIOR CITIZENS

Establishes a legal representation program; appropriates
 \$235,000.

THIS IS A COPY
DO NOT REMOVE

SENATE, No. 2484
STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 8, 1986

By Senator PALLONE

Referred to Committee on Aging

AN ACT establishing a Program of Legal Assistance for Medicare Patients and making an appropriation therefor.

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

1 1. The Legislature finds and declares that: there is an increased
2 need for home health care, at least in part due to the incentive for
3 shorter lengths of hospital stays under the DRG reimbursement
4 system; currently, the Health Care Financing Administration is
5 forcing major reductions in Medicare home health care benefits
6 through reinterpretations of long-standing statutory and regulatory
7 language; many elderly patients are now experiencing early
8 hospital discharge with the expectation that Medicare will cover
9 the essential care provided by visiting nurses and other appropriate
10 professionals and paraprofessional aides; these elderly patients are
11 often shocked to learn that Medicare no longer covers their needs;
12 and for the DRG reimbursement system to work effectively and
13 ethically there must be quality home health care available for dis-
14 charged hospital patients.

1 2. The Director of the Division on Aging in the Department of
2 Community Affairs shall establish a Program of Legal Assistance
3 for Medicare Patients.

1 3. The Director of the Division on Aging shall contract with com-
2 munity legal services entities that primarily serve indigent clients
3 to assist applicants for or current beneficiaries of Medicare home

4 health care benefits under Title XVIII of the Social Security Act in
5 enforcing their rights in obtaining their maximum entitlement. This
6 assistance shall include, but not be limited to, filing and processing
7 an appeal of a denial of an application or claim for payment.

1 4. The Director of the Division on Aging shall promulgate rules
2 and regulations pursuant to the "Administrative Procedure Act,"
3 P. L. 1968, c. 410 (C. 52:14B-1 et seq.) to effectuate the purposes of
4 this act.

1 5. There is appropriated from the General Fund to the Division
2 on Aging in the Department of Community Affairs \$75,000.00 to
3 effectuate the purposes of this act.

1 6. This act shall take effect immediately.

STATEMENT

This bill establishes the Program of Legal Assistance for Medicare Patients. The program will provide legal assistance to applicants for or beneficiaries of Medicare home health care benefits in enforcing their rights in obtaining their maximum entitlement. The program will be administered through the Division on Aging. The division will contract with community legal services entities to provide the legal assistance. This bill appropriates \$75,000.00 from the General Fund to the Division on Aging to implement the program.

SENIOR CITIZENS

Establishes the Program of Legal Assistance for Medicare Patients and appropriates \$75,000.

ASSEMBLY SENIOR CITIZENS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 2484

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 4, 1986

The Assembly Senior Citizens Committee favorably reports the Senate Committee Substitute for Senate Bill No. 2484 with committee amendments.

As amended by committee, this substitute establishes a legal representation program in the Department of Human Services, in consultation with the Public Advocate and the Division on Aging in the Department of Community Affairs, to assist Medicare beneficiaries in appeals of unfairly denied Medicare coverage.

The committee amendments increased the amount of the appropriation from the General Fund from \$90,000.00 to \$235,000.00.

As amended by committee, this substitute is identical to Assembly Bill No. 3140.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO
SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 2484

[ASSEMBLY REPRINT]

STATE OF NEW JERSEY

DATED: DECEMBER 15, 1986

The Assembly Appropriations Committee favorably reports Senate Committee Substitute For Senate Bill No. 2484 (AR).

This bill establishes a legal representation program in the Department of Human Services, in consultation with the Public Advocate and the Division on Aging in the Department of Community Affairs, to assist Medicare beneficiaries in appeals of unfairly denied Medicare coverage.

FISCAL IMPACT:

There is an appropriation of \$235,000.00 from the General Fund to the Department of Human Services.

SENATE COMMITTEE ON AGING
STATEMENT TO
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 2484

STATE OF NEW JERSEY

DATED: OCTOBER 6, 1986

The Senate Committee on Aging favorably reports a Senate Committee Substitute for Senate Bill No. 2484.

This substitute establishes a legal representation program in the Department of Human Services, in consultation with the Public Advocate and the Division on Aging in the Department of Community Affairs, to assist Medicare beneficiaries in appeals of unfairly denied Medicare coverage. The substitute includes a \$90,000.00 appropriation from the General Fund.