

30:46-1 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA: 30:4G-1 et al

"Personal Attendant Act"

LAWS OF: 1985

CHAPTER: 307

Bill No: S3158

Sponsor(s): Van Wagner

Date Introduced: June 24, 1985

Committee: Assembly: -----

Senate: -----

Amended during passage: No

Date of Passage: Assembly: June 24, 1985

Senate: June 24, 1985

Date of Approval: August 27, 1985

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly No

Senate No

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

SENATE, No. 3158

STATE OF NEW JERSEY

INTRODUCED JUNE 24, 1985

By Senator VAN WAGNER

(Without Reference)

AN ACT establishing a personal attendant demonstration program, supplementing Title 30 of the Revised Statutes and making an appropriation therefor.

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

1 1. This act shall be known and may be cited as the "Personal
2 Attendant Act."

1 2. For the purposes of this act:

2 a. "Chronic physical disability" means a severe impairment of
3 a permanent nature which so restricts a person's ability to per-
4 form essential activities of daily living that the person needs assis-
5 tance in order to maintain the person's independence and health.

6 b. "Commissioner" means the Commissioner of the Department
7 of Human Services.

8 c. "Department" means the State Department of Human Ser-
9 vices.

10 d. "Personal attendant" means a person who meets the qualifi-
11 cations regarding training, equivalent work experience or certifi-
12 cation in the home health field, established by the commissioner
13 and who provides personal attendant services to an eligible person.

14 e. "Personal attendant services" means health and chore related
15 tasks performed by a personal attendant in an eligible person's
16 home and, if necessary, under the supervision of a registered pro-
17 fessional nurse. Personal attendant services includes, but is not
18 limited to, assistance in: essential daily activities such as bathing,
19 dressing and meal preparation; assistance with mobility, laundry

20 and shopping; and driving or transportation to and from the eligi-
21 ble person's place of employment.

1 3. The Commissioner of Human Services shall establish a per-
2 sonal attendant demonstration program in the Department of
3 Human Services to be administered by an agency designated by
4 the commissioner. The program shall provide adults with chronic
5 physical disabilities with regular help in carrying out routine,
6 nonmedical tasks that are directly related to maintaining their
7 health and independence. The program will lessen the need for
8 institutional care and thereby enable these persons to remain in
9 their homes and communities and to be employed or to receive
10 training or education geared toward employment.

1 4. A person with a chronic physical disability who is between 18
2 and 65 years of age and is a resident of this State is eligible for
3 the personal attendant program if:

4 a. The person is in need of personal attendant services pursuant
5 to a written plan of personal attendant services prepared by a
6 social worker and a registered professional nurse in a collaboration
7 with the person who shall receive the services.

8 b. A relative or other informal care giver is not available or
9 not appropriate to provide the needed services;

10 c. The person lives in a private home or apartment, rooming or
11 boarding house or residential health care facility, and the personal
12 attendant services the person shall receive are supplemental to
13 and not duplicative of the services provided pursuant to the li-
14 censure requirements, if any, of the facility in which the person
15 lives;

16 d. The person is self-directed and requires no assistance in the
17 coordination of therapeutic regimes which have been ordered by
18 the person's physician; and

19 e. The person requires not less than 10 hours or not more than
20 40 hours of personal attendant services per week.

1 5. a. The personal attendant demonstration program shall be
2 implemented in those counties which have established county offices
3 for the handicapped as of January 1, 1985.

4 b. Each county office for the handicapped or other agency desig-
5 nated by the commissioner is authorized to establish and maintain
6 a personal attendant services caseload of 25 chronically physically
7 disabled persons, pursuant to this act.

1 6. a. Within 30 days after a person has applied for services
2 under the personal attendant program, a member of the staff of
3 the county office for the handicapped or other agency designated
4 by the commissioner in the county in which the applicant resides

5 shall perform a financial and social evaluation of the applicant to
6 determine if the applicant meets the eligibility criteria pursuant
7 to section 4 of this act. The county office for the handicapped or
8 other agency designated by the commissioner shall provide the
9 applicant with written notification about the findings of the evalua-
10 tion.

11 b. If the applicant is eligible, a social worker and registered
12 professional nurse, who are designated by the director of the county
13 office for the handicapped or other agency designated by the com-
14 missioner, shall prepare a personal attendant services plan de-
15 signed to meet the applicant's specific social, health and personal
16 care needs, using the evaluation as a basis for the plan. The social
17 worker and registered professional nurse shall prepare the plan
18 with the participation of the applicant.

19 c. The plan shall include a list of personal attendant services
20 that shall be provided pursuant to the plan; an estimate of the
21 frequency and duration of the services; an estimate of the total
22 cost of the plan; and a statement of the percentage or amount of
23 money an eligible person or an eligible person's immediate family
24 is required to contribute toward the cost of services provided
25 under the plan, pursuant to section 8 of this act. The social worker
26 and registered professional nurse shall revise the plan as fre-
27 quently as necessary, but they shall perform a comprehensive re-
28 assessment of the eligible person annually.

29 d. The plan shall not be implemented until the eligible person
30 approves the plan in writing.

31 e. If a dispute arises between the eligible person and the county
32 office for the handicapped or other agency designated by the com-
33 missioner with regard to eligibility for services or the personal
34 attendant services plan, the applicant may request a hearing that
35 shall be conducted pursuant to the "Administrative Procedure
36 Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.).

37 f. The evaluation and services plan shall be completed on forms
38 prescribed by the commissioner.

1 7. a. A county office for the handicapped or other agency desig-
2 nated by the commissioner may contract with other services pro-
3 viders, including private individuals, for personal attendant ser-
4 vices provided pursuant to this act. The contracting shall be pur-
5 suant to the regulations promulgated by the commissioner.

6 b. The commissioner shall establish a fee schedule for payments
7 or reimbursements to personal care services providers.

1 8. a. The commissioner shall establish a sliding fee scale based
2 on the eligible person's or the eligible person's immediate family's

3 ability to pay for personal attendant services; except that no eligi-
4 ble person or eligible person's immediate family shall have to pay
5 more than 75% of the cost of the personal attendant services pro-
6 vided pursuant to this act.

7 b. The sliding fee scale shall apply only to those eligible persons
8 and their immediate families whose annual gross income exceeds
9 the State's current applicable income eligibility level for social
10 services established pursuant to the "Social Services Block Grant
11 Act," Pub. L. 97-35 (42 U.S.C. § 1397 et seq.).

12 c. If an eligible person's personal attendant services costs are
13 covered in whole or in part by any other State or federal govern-
14 ment program or insurance contract, the government program
15 or insurance carrier shall be the primary payer and the personal
15A attendant program shall be the secondary power.

16 d. The eligible person receiving services shall sign weekly
17 vouchers attesting to the hours of services rendered. The personal
18 attendant shall then be paid directly by the department.

1 9. The department shall not use more than 15% of the amounts
2 appropriated for the personal attendant program for administra-
3 tive and staff costs.

1 10. a. There is established in the department an Advisory
2 Council on Personal Attendant Services which consists of 17 mem-
3 bers as follows: the Commissioner of Health, the Director of the
4 Division of Medical Assistance and Health Services and the Di-
5 rector of the Division of Veterans Programs and Special Services
6 in the Department of Human Services, and the Director of the
7 Division of Vocational Rehabilitation Services in the Department
8 of Labor, or their designees, who shall serve ex officio, and 13
9 members appointed by the commissioner who are residents of this
10 State, one of whom is a member of the New Jersey Association of
11 County Representatives of Disabled Persons, four of whom repre-
12 sent providers of personal attendant services, five of whom repre-
13 sent consumers of personal attendant services and three of whom
14 represent advocacy groups for the physically disabled.

15 A vacancy in the membership of the council shall be filled in the
16 same manner as the original appointment.

17 The members of the council shall serve without compensation,
18 but the department shall reimburse the members for the reason-
19 able expenses incurred in the performance of their duties.

20 b. The council shall hold an organizational meeting within 30
21 days after the appointment of its members. The members of the
22 council shall elect from among them a chairman who shall be the

23 chief executive officer of the council and the members shall elect
24 a secretary who need not be a member of the council.

25 c. The council shall:

26 (1) Advise the commissioner on matters pertaining the per-
27 sonal attendant services and the development of the personal at-
28 tendant program, upon the request of the commissioner.

29 (2) Review the rules and regulations promulgated for the im-
30 plementation of the personal attendant program and make recom-
31 mendations to the commissioner, as appropriate;

32 (3) Evaluate the effectiveness of the personal attendant pro-
33 gram in achieving the purposes of this act; and

34 (4) Assess the Statewide need for personal attendant services
35 and the projected cost for providing these services Statewide.

1 11. The commissioner shall report to the Governor and the Leg-
2 islature one year from the date of enactment of this act concerning:

3 a. The effects of the demonstration program on enabling persons
4 with chronic physical disabilities to remain in their homes and
5 communities and to be employed or receive training or education
6 geared toward employment;

7 b. An assessment of the most efficient and effective method for
8 providing personal attendant services;

9 c. The projected costs for establishing a Statewide personal
10 attendant program; and

11 d. Recommendations for permanently establishing a Statewide
12 personal attendant program.

1 12. The commissioner shall adopt rules and regulations neces-
2 sary to carry out the provisions of this act pursuant to the "Ad-
3 ministrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et
4 seq.).

1 13. There is appropriated \$2,000,000.00 from the General Fund
2 to the Department of Human Services for the purposes of this act.

1 14. This act shall take effect on the 90th day following enactment.

STATEMENT

This bill establishes a personal attendant demonstration pro-
gram in the Department of Human Services to assist adults with
chronic physical disabilities in carrying out routine, nonmedical
tasks that are directly related to maintaining their health and
independence. The program shall enable these physically disabled
adults to remain in their homes and communities and to be em-
ployed or to receive training or education geared toward employ-
ment.

53158 (1985)

The demonstration program will be implemented in the eight counties which presently have county offices for the handicapped. Each county office for the handicapped or other agency in that county designated by the commissioner is authorized to maintain a caseload of 25 persons, for a total demonstration program caseload of 200 persons.

The bill requires that a social worker and registered professional nurse complete a financial and social assessment of the applicant and, if the applicant is eligible for the program, prepare a plan for personal attendant services. The bill does not have financial eligibility limits, however, if an applicant or the applicant's immediate family's income exceeds the State's income eligibility limits under the Social Services Block Grant Program (Pub. L. 97-35; 42 U.S.C. § 1397 et seq.), the applicant or family member is required to contribute towards the cost of the services. The Commissioner of Human Services is directed to establish a sliding fee scale based on a person's ability to pay, but no person is required to pay more than 75% of the cost of the services provided under the program.

The bill also establishes a 17-member Advisory Council on Personal Attendant Services to advise the commissioner on matters pertaining to personal attendant services and administration of the program.

The bill appropriates \$2,000,000.00 to carry out the demonstration program. The commissioner is required to report to the Governor and Legislature one year from the date of enactment of the act on the effectiveness of the personal attendant program and the projected cost of establishing a Statewide personal attendant program.

Bills Signed
Page 2
August 28, 1985

The credits were allocated originally to landowners in restricted areas of the Pinelands for purchase by landowners in growth areas in order to gain bonus residential densities.

The legislation signed today appropriates \$5 million to the Credit Bank to purchase credits at \$10,000 each when necessary to alleviate a hardship on a landowner in the restricted growth area.

The bank would be governed by a board of directors consisting of the Commissioners of Banking and Environmental Protection, the Secretary of Agriculture, the Attorney General, the Chairman of the Pinelands Commission, and four residents of the Pinelands area to be appointed by the Governor on the recommendation of the Speaker of the Assembly and the President of the Senate.

Other bills signed by Kean include:

S-2312, sponsored by Senator Gerald Stockman, D-Mercer, to prohibit as a disorderly persons offense purposely or knowingly offering, serving, or making available an alcoholic beverage to a person under the legal drinking age.

S-3158, sponsored by Senator Richard VanWagner, D-Monmouth, to establish a demonstration Personal Attendant Program in the Department of Human Services for persons with chronic physical disabilities and impairments.

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