

30:4G-2 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA: 30:4G-2 et al "Personal attendant act"--technical amendment)

LAWS OF: 1985

CHAPTER 524

BILL NO: A4334

Sponsor(s): Doyle

Date Introduced: December 12, 1985

Committee: Assembly: -----

Senate: -----

Amended during passage: No

Date of Passage: Assembly: January 6, 1986

Senate: January 13, 1986

Date of Approval: January 21, 1986

Following statements are attached if available:

Sponsor statement: Yes (Below)

Committee statement: Assembly No

Senate No

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

Sponsor's statement:

This bill makes technical changes in the "Personal Attendant Act," P.L. 1985, c. 307 (C.30:4G-1 et seq.)

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ASSEMBLY, No. 4334

STATE OF NEW JERSEY

INTRODUCED DECEMBER 12, 1985

By Assemblyman DOYLE

AN ACT concerning the Personal Attendant demonstration program, and amending P. L. 1985, c. 307.

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

1 1. Section 2 of P. L. 1985, c. 307 (C. 30:4G-2) is amended to read
2 as follows:

3 2. For the purposes of this act:

4 a. "Chronic physical disability" means a severe impairment of
5 a permanent nature which so restricts a person's ability to perform
6 essential activities of daily living that the person needs assistance
7 in order to maintain the person's independence and health.

8 b. "Commissioner" means the Commissioner of the Department
9 of Human Services.

10 c. "Department" means the State Department of Human Ser-
11 vices.

12 d. "Personal attendant" means a person who meets the qualifica-
13 tions regarding training, equivalent work experience or certifica-
14 tion in the home health field, established by the commissioner and
15 who provides personal attendant services to an eligible person.

16 e. "Personal attendant services" means health and chore related
17 tasks performed by a personal attendant **[in an eligible person's**
18 **home]** and, if necessary, under the supervision of a registered pro-
19 fessional nurse. Personal attendant services **[includes, but is]** in-
20 *clude but are* not limited to assistance in: essential daily activities
21 such as bathing, dressing and meal preparation; assistance with
22 mobility, laundry and shopping; and driving or transportation **[to**
23 **and from the eligible person's place of employment].**

**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.**

1 2. Section 3 of P. L. 1985, c. 307 (C. 30:4G-3) is amended to
2 read as follows:

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

1 3. Section 4 of P. L. 1985, c. 307 (C. 30:4G-4) is amended to
2 read as follows:

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

6 a. The person is in need of personal attendant services pursuant
7 to a written plan of personal attendant services prepared by a
8 social worker **[and]** *or* a registered professional nurse in a col-
9 laboration with the person who shall receive the services**[.]**;

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

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

18 d. The **[person is self-directed and requires no assistance in the**
19 **coordination of therapeutic regimes which have been ordered by**
20 **the person's physician]** *the attending physician has confirmed in*
21 *writing that the person is self-directing and requires no assistance*
22 *in the coordination of therapeutic regimes, and that the personal*
23 *attendant services will be adequate and appropriate to meet his*
24 *needs; and*

25 e. The person requires not less than 10 hours or not more than
26 40 hours of personal attendant services per week.

1 4. Section 5 of P. L. 1985, c. 307 (C. 30:4G-5) is amended to
2 read as follows:

3 5. a. The personal attendant demonstration program shall be
4 implemented in those counties which have established county of-
5 fices for the handicapped as of January 1, 1985, *which counties*
6 *are:*

| | | |
|----|-------------------|-------------------|
| 7 | <i>Atlantic</i> | <i>Middlesex</i> |
| 8 | <i>Bergen</i> | <i>Monmouth</i> |
| 9 | <i>Cumberland</i> | <i>Union</i> |
| 10 | <i>Essex</i> | <i>Ocean and,</i> |
| 11 | <i>Mercer</i> | <i>Passaic</i> |

12 b. Each county office for the handicapped or other agency design-
 13 nated by the commissioner is authorized to establish and maintain
 14 a personal attendant services caseload of **[25]** chronically phys-
 15 ically disabled persons, *which, in total, shall not exceed 200 for*
 16 *those counties*, pursuant to this act.

1 5. Section 6 of P. L. 1985, c. 307 (C. 30:4G-6) is amended to
 2 read as follows:

3 6. a. Within 30 days after a person has applied for services under
 4 the personal attendant program, a member of the staff of the county
 5 office for the handicapped or other agency designated by the com-
 6 missioner in the county in which the applicant resides shall per-
 7 form a **[financial and]** social evaluation of the applicant to deter-
 8 mine if the applicant meets the eligibility criteria pursuant to sec-
 9 tion 4 of this act, *and a financial evaluation to determine ability*
 10 *to pay for personal attendant services in accordance with section*
 11 *8 of P. L. 1985, c. 307 (C. 30:4G-1 et seq.)*. The county office for
 12 the handicapped or other agency designated by the commissioner
 13 shall provide the applicant with written notification about the find-
 14 ings of the evaluation.

15 b. If the applicant is eligible, a social worker **[and]** *or* regis-
 16 tered professional nurse, who **[are]** *is* designated by the director
 17 of the county office for the handicapped or other agency designated
 18 by the commissioner, shall prepare a personal attendant services
 19 plan designed to meet the applicant's specific social, health and
 20 personal care needs, using the evaluation as a basis for the plan.
 21 The social worker **[and]** *or* registered professional nurse shall
 22 prepare the plan with the participation of the applicant.

23 c. The plan shall include a list of personal attendant services
 24 that shall be provided pursuant to the plan; an estimate of the
 25 frequency and duration of the services; an estimate of the total
 26 cost of the plan; and a statement of the percentage or amount of
 27 money an eligible person or an eligible person's **[immediate family]**
 28 *spouse* is required to contribute toward the cost of services pro-
 29 vided under the plan, pursuant to section 8 of this act. The social
 30 worker **[and]** *or* registered professional nurse shall revise the
 31 plan as frequently as necessary, but **[they]** shall perform a com-
 32 prehensive reassessment of the eligible person annually.

33 d. The plan shall not be implemented until the eligible person
34 approves the plan in writing.

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

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

1 6. Section 8 of P. L. 1985, c. 307 (C. 30:4G-8) is amended to
2 read as follows:

3 8. a. The commissioner shall establish a sliding fee scale based
4 on the eligible person's or the eligible person's [immediate
5 family's] *spouse's* ability to pay for personal attendant services;
6 except that no eligible person or eligible person's [immediate
7 family] *spouse* shall have to pay more than 75% of the cost of the
8 personal attendant services provided pursuant to this act.

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

14 c. If an eligible person's personal attendant services costs are
15 covered in whole or in part by any other State or federal govern-
16 ment program or insurance contract, the government program or
17 insurance carrier shall be the primary payer and the personal at-
18 tendant program shall be the secondary [power] *payer*.

19 d. The eligible person receiving services shall sign weekly
20 vouchers attesting to the hours of services rendered. The personal
21 attendant shall then be paid [directly by the department] *by the*
22 *county office for the handicapped or other agency designated by the*
23 *commissioner*.

1 7. Section 10 of P. L. 1985, c. 307 (C. 30:4G-10) is amended to
2 read as follows:

3 10. a. There is established in the department an Advisory Coun-
4 cil on Personal Attendant Services which consists of [17] 19 mem-
5 bers as follows: the Commisisoner of Health, the *Director of the*
6 *Division of Youth & Family Services, the Director of the Division*
7 *of Developmental Disabilities, the Director of the Division of*
8 *Medical Assistance and Health Services and the Director of the Di-*
9 *vision of Veterans Programs and Special Services in the Depart-*
10 *ment of Human Services, and the Director of the Division of Vo-*

11 cational Rehabilitation Services in the Department of Labor, or
 12 their designees, who shall serve ex officio, and 13 members ap-
 13 pointed by the commissioner who are residents of this State, one
 14 of whom is a member of the New Jersey Association of County
 15 Representatives of Disabled Persons, four of whom represent pro-
 16 viders of personal attendant services, five of whom represent con-
 17 sumers of personal attendant services and three of whom represent
 18 advocacy groups or agencies for the physically disabled.

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

21 The members of the council shall serve without compensation,
 22 but the department shall reimburse the members for the reasonable
 23 expenses incurred in the performance of their duties.

24 b. The council shall hold an organizational meeting within 30 days
 25 after the appointment of its members. The members of the council
 26 shall elect from among them a chairman who shall be the chief execu-
 27 tive officer of the council and the members shall elect a secretary
 28 who need not be a member of the council.

29 c. The council shall:

30 (1) Advise the commissioner on matters pertaining to personal
 31 attendant services and the development of the personal attendant
 32 program, upon the request of the commissioner[.];

33 (2) Review the rules and regulations promulgated for the imple-
 34 mentation of the personal attendant program and make recom-
 35 mendations to the commissioner, as appropriate;

36 (3) Evaluate the effectiveness of the personal attendant program
 37 in achieving the purposes of this act; and

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

1 8. Section 14 of P. L. 1985, c. 307 is amended to read as follows:

2 14. This act shall take effect on the 90th day following enactment
 3 *and shall expire two years thereafter.*

1 9. This act shall take effect immediately and expire two years
 2 from the effective date.

STATEMENT

This bill makes technical changes in the "Personal Attendant Act," P. L. 1985, c. 307 (C. 30:4G-1 et seq.).

A-3018, sponsored by Assemblyman Joseph Doria, D-Hudson, to eliminate the deadline for the acquisition of alcoholic beverage retail consumption licenses by municipalities.

A-3233, sponsored by Assemblyman James Zangari, D-Essex, to separate the tax lien requirements from the anticipated demolition cost provisions in the law permitting municipalities to withhold fire insurance proceeds.

A-4084, sponsored by Assemblyman Michael Adubato, D-Essex, to extend to January 1, 1987, the moratorium on the creation of limited service banks.

A-4313, sponsored by Assemblyman Joseph Doria, D-Hudson, to permit experienced asbesto workers to receive permits without examination.

A-4334, sponsored by Assemblyman John Doyle, D-Ocean, to clarify and make technical amendments to the Personal Attendant Act which provides disabled residents with chronic physical disabilities with help in carrying out routine, non-medical tasks in their homes.

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