

LEGISLATIVE HISTORY CHECKLIST

NJSA: 30:4D-7.2a

(PAA program - limit State's right of recovery from decedent's estate)

LAWS OF: 1983

CHAPTER: 371

Bill No: A3587

Sponsor(s): Riley and others

Date Introduced: June 13, 1983

Committee: **Assembly:** Institutions, Health and Welfare

Senate: Institutions, Health and Welfare

Amended during passage: YES Substituted for S3481 (not attached since identical to A3587)

Date of Passage: **Assembly:** June 16, 1983

Senate: September 15, 1983

Date of Approval: October 27, 1983

Following statements are attached if available:

Sponsor statement: YES (Below)

Committee statement: **Assembly** NO

Senate YES

Fiscal Note: NO

Veto Message: NO

Message on Signing: YES

Following were printed:

Reports: NO

Hearings: NO

Sponsors' Statement:

This bill limits the right of recovery by the State from the estate of a PAAD recipient to assistance incorrectly or illegally paid.

rdv

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ASSEMBLY, No. 3587**STATE OF NEW JERSEY**

INTRODUCED JUNE 13, 1983

By Assemblymen RILEY, BRYANT, MARSELLA, Assemblywoman KALIK, Assemblymen ROCCO, SHUSTED, GORMAN, Assemblywoman COSTA, Assemblymen PELLECCCHIA, GIRGENTI, CHINNICI, CHARLES, JANISZEWSKI, HERMAN and PANKOK

AN ACT to amend "An act concerning the imposition of certain encumbrances against the estates of recipients of medical and health services and pharmaceutical assistance and supplementing P. L. 1968, c. 413," approved July 20, 1981 (P. L. 1981, c. 217).

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

1 1. Section 1 of P. L. 1981, c. 217 (C. 30:4D-7.2a) is amended to
2 read as follows:

3 1. ***[a.]*** No encumbrance or recovery of any kind shall be im-
4 posed against or sought from the estate of a qualified applicant or
5 an eligible person after his death because of assistance paid, or to be
6 paid, on his behalf under ***[the "Medical Assistance and Health Ser-**
7 **vices Act," P. L. 1968, c. 413 (C. 30:4D-1 et seq.) [or the Pharma-**
8 **ceutical Assistance to the Aged" program, P. L. 1975, c. 194 (C.**
9 **30:4D-20, et seq.)]**, except for assistance incorrectly or illegally
10 paid, or for third-party liability recoveries sought under this act,
11 if the amount sought to be recovered is less than \$500.00 or the
12 estate is less than \$3,000.00 or there is a surviving spouse or child.

13 *b. No encumbrance or recovery of any kind shall be imposed*
14 *against or sought from the estate of a qualified applicant or an*
15 *eligible person after his death because of assistance paid, or to be*
16 *paid, on his behalf under the "Pharmaceutical Assistance to the*

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:

***—Senate committee amendments adopted August 29, 1983.**

17 *Aged and Disabled*” program, P. L. 1975, c. 194 (C. 30:4D-20
18 *et seq.*), except for assistance incorrectly or illegally paid.】*

19 *a. The “New Jersey Medical Assistance and Health Services
20 Act,” P. L. 1968, c. 413 (C. 30:4D-1 *et seq.*), if the amount sought to
21 be recovered is less than \$500.00, the estate is less than \$3,000.00 or
22 there is a surviving spouse or child, except for assistance incor-
23 rectly or illegally paid, or for third party liability recovery sought
24 under P. L. 1968, c. 413 (C. 30:4D-1 *et seq.*); or

25 b. The “Pharmaceutical Assistance to the Aged and Disabled”
26 program, P. L. 1975, c. 194 (C. 30:4D-20 *et seq.*), except for assis-
27 tance incorrectly or illegally paid, or for third party liability
28 recovery sought under P. L. 1968, c. 413 (C. 30:4D-1 *et seq.*).*

1 2. This act shall take effect immediately.

SENATE INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3587

[CORRECTED COPY]

with Senate committee amendments

STATE OF NEW JERSEY

DATED: AUGUST 29, 1983

As amended by committee, this bill provides that no encumbrance or recovery of any kind shall be imposed upon the estate of any deceased recipient of benefits under the "Pharmaceutical Assistance to the Aged and Disabled" program established under P. L. 1975, c. 194 (C. 30:4D-20 et seq.), except for assistance incorrectly or illegally paid, or for certain third party liability recovery.

The committee amended the bill to permit recovery for certain third party liability. As amended by committee, this bill is identical to Senate bill 3481.

OFFICE OF THE GOVERNOR

RELEASE: IMMEDIATE

CONTACT: PAUL WOLCOTT

THURSDAY, OCTOBER 27, 1983

Governor Thomas H. Kean today signed legislation restricting the circumstances under which the State can recover benefits paid under the Pharmaceutical Assistance for the Aged and Disabled program from the estate of a recipient.

The bill, A-3587, sponsored by Assemblyman Dennis L. Riley, D-Camden, permits the State to recover benefits only in cases where the assistance was paid incorrectly or illegally. The old law permitted recovery if the amount to be recovered was more than \$500, the estate was more than \$3,000 and there was no surviving spouse or child.

Those provisions remain in effect for the estates of recipients of Medicaid.

Kean also signed A-3376, sponsored by Assemblyman Elliott F. Smith, R-Somerset, which amends the Local Bond Law to permit the signatures of prescribed officials to be attested to by the clerk or the deputy clerk of the municipality. Under the old law the deputy clerk could so attest only in cases of the clerk's absence or disability.

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