

30:4D-7.2a

LEGISLATIVE HISTORY CHECKLIST

NJSA 30:4D-7.2a (Decedents' estates--limit encumbrances on estates of Medicaid and PAA participants)

LAWS 1981 CHAPTER 217

Bill No. A773

Sponsor(s) Deverin and Lesniak

Date Introduced Feb. 4, 1980

Committee: Assembly Institutions, Health and Welfare

Senate Institutions, Health and Welfare

Amended during passage Yes ~~No~~ Amendments during passage denoted by asterisks

according to Governor's recommendations:  
Date of Passage: Assembly Sept. 22, 1980

Re-enacted 4-27-81

Senate Feb. 2, 1981

Re-enacted 6-15-81

Date of approval July 20, 1981

Following statements are attached if available:

Sponsor statement Yes ~~No~~

Also attached: Senate amendments, adopted 1-22-81 (with statement)

Committee Statement: Assembly Yes ~~No~~

Senate Yes ~~No~~

Fiscal Note Yes ~~No~~

Veto Message Yes ~~No~~

Message on signing Yes ~~No~~

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

DO NOT REMOVE FROM LIBRARY

6/23/81

[THIRD OFFICIAL COPY REPRINT]

ASSEMBLY, No. 773

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 4, 1980

By Assemblymen DEVERIN and LESNIAK

Referred to Committee on Institutions, Health and Welfare

AN ACT concerning the imposition of certain encumbrances against the estates of recipients of **[medical and health services and]** *\*\*\*medical and health services and\*\*\** pharmaceutical assistance and supplementing P. L. **[1968, c. 413]** *\*\*\*[1975, c. 194, (C. 30:4D-20 et seq.)]\*\** *\*\*\*1968, c. 413\*\*\**.

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

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

1 2. This act shall take effect immediately.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

**ASSEMBLY, No. 773**

---

**STATE OF NEW JERSEY**

---

INTRODUCED FEBRUARY 4, 1980

By Assemblymen DEVERIN and LESNIAK

Referred to Committee on Institutions, Health and Welfare

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.

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

1 1. No encumbrance or recovery of any kind shall be imposed  
2 against or sought from the estate of a qualified applicant or an  
3 eligible person after his death because of assistance paid, or to  
4 be paid, on his behalf under the "Medical Assistance and Health  
5 Services" program or the "Pharmaceutical Assistance to the  
6 Aged" program, except for assistance incorrectly or illegally paid,  
7 or for third-party liability recoveries sought under this act.

1 2. This act shall take effect immediately.

---

**STATEMENT**

The legislation provides that no encumbrance of any kind shall be placed on the estate of a deceased person who participated in the "Pharmaceutical Assistance to the Aged" (PAA) program, except to recover assistance illegally or incorrectly paid.

If encumbrances are not to be placed against the estates of PAA recipients after their death for benefits correctly paid, then, accordingly, such encumbrances should not be placed on the estates of Medicaid recipients.

SENATE AMENDMENTS TO  
**ASSEMBLY, No. 773**  
[OFFICIAL COPY REPRINT]

---

**STATE OF NEW JERSEY**

---

ADOPTED JANUARY 22, 1981

Amend page 1, title, line 2, omit "medical and health services and".

Amend page 1, title, line 3, after "P. L.", omit entirely, insert "1975, c. 194, (C. 30:4D-20 et seq.).".

Amend page 1, section 1, lines 4-6, omit "'Medical Assistance and Health Services Act', P. L. 1968, c. 413 (C. 30:4D-1, et seq.) or".

Amend page 1, section 1, line 7, after "**[program]**", insert "program".

---

STATEMENT

These amendments delete reference to the Medical Assistance and Health Services program (Medicaid) so that the State is prohibited only from placing an encumbrance against the estate of a recipient of Pharmaceutical Assistance to the Aged (PAA).

**EXPLANATION**—Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

ASSEMBLY INSTITUTIONS, HEALTH AND WELFARE  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 773**

with Assembly committee amendments

—————  
**STATE OF NEW JERSEY**  
—————

DATED: JUNE 16, 1980

This legislation provides that no encumbrance of any kind shall be placed on the estate of a person who participated in the "Medical Assistance and Health Services" (Medicaid) program or the "Pharmaceutical Assistance to the Aged" (PAA) program, except for assistance illegally or incorrectly paid.

The committee agrees with the purpose of this legislation and released the bill with certain technical amendments.

SENATE INSTITUTIONS, HEALTH AND WELFARE  
COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 773**

**STATE OF NEW JERSEY**

DATED: DECEMBER 11, 1980

This bill provides that no encumbrance of any kind shall be placed on the estate of a person who participated in the "Medical Assistance and Health Services" (Medicaid) program or the "Pharmaceutical Assistance to the Aged" (PAA) program, except for assistance illegally or incorrectly paid.

FISCAL NOTE TO  
**ASSEMBLY, No. 773**  
[THIRD OFFICIAL COPY REPRINT]

**STATE OF NEW JERSEY**

DATED: JUNE 2, 1981

The Third Official Copy Reprint of Assembly Bill No. 773 of 1980 concerns the imposition of certain encumbrances against the estates of recipients of medical and health services and pharmaceutical assistance (PAA).

The Department of Treasury estimates that enactment of this legislation would have little or no effect on State revenues.

---

In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1980, c. 67.

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

March 26, 1981

ASSEMBLY BILL NO. 773 (2 OCR)  
[Corrected Copy]

To the Assembly:

Pursuant to Article V, Section 1, Paragraph 14(b) of the Constitution, I am returning Assembly Bill No. 773 (2 OCR), with my objections for reconsideration.

This bill would prohibit an encumbrance or recovery of any kind from being imposed against or sought from the estate of a deceased person who had received benefits under the "Pharmaceutical Assistance to the Aged" (P.A.A.) program, except for assistance incorrectly or illegally paid or for third-party liability recoveries.

Since 1969, the Department of Human Services has been recovering payments correctly made to Medicaid recipients from their estates where there is no surviving spouse or child in order to conserve and replenish taxpayer funds after the recipient or his immediate family no longer require assistance. Last year, the Department attempted to institute the same recovery system in the case of P.A.A. recipients. This bill was introduced in order to prevent such action.

While I believe that the State should not recover benefits paid where there is a surviving spouse or child; given the limited taxpayer funds available to the State to satisfy a multitude of competing needs, I believe the State has an obligation to the taxpayers to recover benefits paid where there is no surviving immediate family and an estate is to be divided among degrees of relations and debtors. In addition, while I would agree that the State should not attempt to recover benefits where either the amount to be recovered or the estate is insubstantial, I cannot agree with the principle that we should recover from the estates of our least fortunate citizens who are receiving Medicaid benefits but not from the estates of P.A.A. beneficiaries who may have far greater annual incomes and assets.

Therefore, I am returning A-773 (2 OCR) with the recommendation that it be amended to preclude recovery from the estates of both P.A.A. and Medicaid recipients where the amount to be recovered is less than \$500 or the extent of the estate is less than \$3000 or there is a surviving spouse or child.

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

Page 2

Accordingly, I recommend that A-773 (2 OCR) be amended as follows:

<u>Page 1, Title, Line 2:</u>	After "and]" insert "medical and health services and"
<u>Page 1, Title, Line 4:</u>	After "413.] delete entirely insert "1968, c. 413."
<u>Page 1, Section 1, Line 6:</u>	After "[the]" insert ""Medical Assistance and Health Services Act", P.L. 1968, c. 413 (C. 30:4D-1 et seq.) or the"
<u>Page 1, Section 1, Line 9:</u>	After "act" insert ", if the amount sought to be recovered is less than \$500.00 or the estate is less than \$3000.00 or there is a surviving spouse or child"

Respectfully,

/s/ Brendan Byrne

GOVERNOR

[seal]

Attest:

/s/ Harold L. Hodes

CHIEF OF STAFF, SECRETARY

July 20, 1981

FROM THE OFF. OF THE GOVERNOR

-2-

A-1720, sponsored by Assemblyman John Paul Doyle (D-Ocean) which permits a school board to designate any location as a polling place if locating the polling place in a schoolhouse or public building would cause inconvenience to the voters.

In selecting the polling place, consideration must be given to buildings accessible to elderly and disabled persons. The bill would permit the school board to designate polling places in senior citizen complexes.

The bill is modeled after a similar provision in Title 19 of the General Election Law.

A-1720, sponsored by Assemblyman Martin Herman (D-Gloucester) which prohibits a sanitary landfill from operating under any conditions other than those set down in its tariff.

It would, for example, prohibit a landfill operator from changing his house of operation without first having the change approved by the BPU. Its intent is to address situations where landfills continue to operate while revocation or denial of their tariffs are being appealed or while their requests for new tariffs are under review.

Municipal and county landfills are exempt from the provisions of the bill.

S-3293, sponsored by Senator James S. Cafiero (R-Cape May), which changes certain requirements in the hiring of lifeguards at smaller-sized public swimming pools, lakes and ponds.

The bill relaxes the current requirement that all lifeguards receive senior lifesaving training, and permits the use of guards with only basic rescue and water safety training at pools, lakes and ponds of 1000 square feet or less.

The bill also requires that all lifeguards be at least 18 years old and be trained in both first aid and cardiopulmonary resuscitation, which are not now mandated.

A-773, sponsored by Assemblymen Thomas J. Deverin (D-Union) and Raymond Lesniak (D-Union), which prevents the State Department of Human Services from recovering money from the estates of recipients of Pharmaceutical Assistance to the Aged (PAA) or Medicaid benefits, where the value of the estate or the amount of money to be recovered is minimal.

-more-

Since 1969, in an effort to conserve and replenish taxpayer funds for health assistance programs, the Department of Human Services has been recovering payments made to Medicaid recipients from their estates when there were no surviving dependents. The original version of this bill, conditionally vetoed by Governor Byrne on March 26, 1981, was introduced to stop this same recovery system from being instituted in the case of PAA recipients. The Governor cited a public obligation to recover taxpayer funds where possible in conditionally vetoing the bill.

The amended version prevents the recovery of paid benefits when the amount to be recovered is less than \$500.00, the estate valued at less than \$3,000.00, or when the deceased is survived by a spouse or child.

A-917, sponsored by Assemblyman John A. Girgenti (D-Passaic), which allows public utility and postal employees -- whose duties require regular visits to private homes -- to carry devices designed to repel dog or other animal attacks.

The bill stipulates that all devices used must be chosen from a list approved by the Department of Health and must be noninjurious to animals. The original bill was amended to bar the use of tear gas.

A-1887, sponsored by Assemblyman Harry A. McEnroe (D-Essex), increases the monetary ceiling of cases heard in both county district and small claims courts.

The bill raises the ceiling in county district court from \$3,000.00, set in 1969 to \$5,000.00 and empowers small claims court to hear disputes involving a maximum of \$1,000.00, up from \$500.00, set in 1975. Supporters of the bill had cited inflation as warranting the change in jurisdiction.

A-1954, sponsored by Assemblyman Robert E. Littell (R-Sussex), reinstating the old law, inadvertently revised with the enactment of the penal code, directing payments of intermunicipal court-imposed fines to be made to the municipality where the offense was committed.

The bill also requires that bail forfeitures, and fees in intermunicipal courts be distributed to municipalities within the court's jurisdiction according to the relative contribution of each municipality toward maintaining the court.