

44:7-76 thru 82

April 10, 1970

LEGISLATIVE HISTORY OF R.S. 44:7-76 through 82
(Old age medical care)
(MEDICAID)

COPY NO. 2

"Medicaid" was enacted in New Jersey by L. 1968, Chapter 413;
program to begin in 1970. (See Legislative History of R.S. 30:4D-1 to 19).

L. 1969 - G.227 - A991.

May 5 - Introduced by Vander Flaet and Apy.

No statement.

Not amended during passage.

Governor made statement upon signing (copy enclosed).

For relevant clipping, see Legislative History of R.S. 44:10-1.

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ASSEMBLY, No. 991

STATE OF NEW JERSEY

INTRODUCED MAY 5, 1969

By Assemblymen VANDER PLAAT, APY and KEAN

(Without Reference)

AN ACT concerning medical assistance for the aged, amending sections 1 through 7 and repealing section 8 of chapter 222 of the laws of 1962, approved January 14, 1963.

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

1 1. Section 1 of the act of which this act is amendatory
2 (C. 44:7-76) is amended to read as follows:

3 1. Subject to the provisions of this act, any resident of New
4 Jersey who has attained the age of 65 years, who is not [a recipi-
5 ent of old age assistance] *eligible to receive medical assistance*
6 *pursuant to chapter 413 of the laws of 1968*, and whose income and
7 resources are insufficient to meet the costs of health services pro-
8 vided under this act, shall be entitled to receive medical assistance
9 *for the aged* [from the county welfare board of the county in which
10 he resides].

1 2. Section 2 of the act of which this act is amendatory
2 (C. 44:7-77) is amended to read as follows:

3 2. For the purposes of this act "medical assistance *for the aged*"
4 means payment for and on behalf of eligible individuals of part
5 or all of the costs of the following services to the extent authorized
6 in regulations adopted pursuant to this act:

6A (a) In-patient hospital ward services;

6B (b) Skilled nursing home services; and

7 (c) Home health care services required by reason of an illness
8 necessitating confinement at home for a prolonged period.

1 3. Section 3 of the act of which this act is amendatory
2 (C. 44:7-78) is amended to read as follows:

3 3. There may be included in a grant of medical assistance *for*
4 *the aged* for any of the services set forth in section 2:

5 (a) The cost of out-patient hospital or clinic diagnostic and
6 treatment services;

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

7 (b) The cost of prosthetics and appliances; and

8 (c) The cost of a reasonable allowance for personal incidental
9 expenses; provided, however, that such costs cannot be met through
10 other resources available to the individual or through any other
11 program of public assistance.

1 4. Section 4 of the act of which this act is amendatory
2 (C. 44:7-79) is amended to read as follows:

3 4. Medical assistance *for the aged* shall be administered *by the*
4 *Department of Institutions and Agencies* [in accordance with the
5 provisions of chapter 7 of Title 44 of the Revised Statutes, except-
6 ing sections 44:7-3, 44:7-5, 44:7-14 through 44:7-16, and 44:7-25].

1 5. Section 5 of the act of which this act is amendatory
2 (C. 44:7-80) is amended to read as follows:

3 5. No grant of medical assistance *for the aged* shall be made
4 prior to the filing of an application therefor, and the making of
5 an investigation to determine eligibility and the extent of need.
6 No grant of medical assistance *for the aged* shall include any costs
7 for services incurred prior to the date of the application, except
8 costs for in-patient hospital services incurred within 30 days of the
9 date of the application and subsequent to the effective date of this
10 act.

1 6. Section 6 of the act of which this act is amendatory
2 (C. 44:7-81) is amended to read as follows:

3 6. Under general policies established by the State Board of Con-
4 trol, the Commissioner of Institutions and Agencies is authorized,
5 directed and empowered to issue, or to cause to be issued by the
6 appropriate departmental officers or agencies, all necessary rules
7 and regulations and administrative orders, and to do or cause to
8 be done all other acts and things necessary to [secure for the State
9 of New Jersey the maximum Federal financial participation that
10 is available with respect to a program of medical assistance for the
11 aged and otherwise to] accomplish the purposes of this act, includ-
12 ing specifically the following:

13 (a) To assure that the program shall be in effect in all counties
14 of the State and be mandatory upon them;

15 (b) To assure that all individuals wishing to make application
16 for medical assistance for the aged shall have opportunity to do
17 so, and that [medical] *such* assistance shall be furnished with
18 reasonable promptness to or for all eligible individuals;

19 (c) To provide that, in determining need for medical assistance
20 *for the aged* and the amount of such assistance to be granted, there
21 shall be taken into consideration all other income and resources of
22 the aged individual, making due allowance for a minimum standard

23 of living compatible with decency and health; provided, however,
 24 that [medical] assistance for in-patient and out-patient hospital
 25 services, as made available by this act, shall be granted to persons
 26 eligible therefor notwithstanding appropriations to hospitals made
 27 by any county or municipality pursuant to chapter 5 of Title 44 of
 28 the Revised Statutes;

29 (d) To provide safeguards which restrict the use or disclosure of
 30 information concerning applicants and recipients to purposes di-
 31 rectly connected with the administration of the program;

32 (e) To assure that no enrollment fee, premium, or similar charge
 33 is imposed as a condition of eligibility;

34 (f) To assure that all persons for whom medical assistance *for*
 35 *the aged* is being paid under the provisions of this act shall not
 36 receive, during or with respect to the same period, any other finan-
 37 cial assistance from this State or any political subdivision thereof
 38 with respect to any maintenance requirements or other items for
 39 which allowance is made in the assistance grant paid pursuant to
 40 this act;

41 (g) To prescribe appropriate services which shall be made avail-
 42 able [by or utilized by the county welfare boards] for the purposes
 43 of effecting, so far as possible, cure and rehabilitation;

44 (h) To prescribe methods and procedures for repayment or re-
 45 covery of [medical] assistance granted *under this act*; provided,
 46 however, that no lien may be imposed against the property of any
 47 individual prior to his death on account of [medical] assistance
 47A granted or to be granted under this act (except pursuant to the
 47B judgment of a court on account of assistance incorrectly
 48 paid on behalf of such individual), and that there shall be no ad-
 49 justment or recovery (except, after the death of such individual
 50 and his surviving spouse, if any, from such individual's estate)
 51 of any [medical] assistance correctly paid on behalf of such indi-
 52 vidual under this act[.];

53 (i) *To provide for granting an opportunity for a fair hearing to*
 54 *any individual whose claim for medical assistance for the aged is*
 55 *denied or is not acted upon with reasonable promptness.*

1 7. Section 7 of the act of which this act is amendatory
 2 (C. 44:7-82) is amended to read as follows:

3 7. The State shall [pay to each county welfare board the full
 4 amount of any] *provide such* funds [received by the State from the
 5 Federal Government as Federal participation with respect to] *as*
 6 *may be necessary to meet* expenditures [made by such county wel-
 7 fare board] for medical assistance for the aged[, plus an additional

8 amount equal to 75% of the balance of such expenditures after
9 deducting the amount of such Federal participation].

10 The State shall also pay to each *appropriate* county welfare board
11 the [full amount of any funds received by the State from the Fed-
12 eral Government as Federal participation with respect to the costs
13 of administration of the program of medical assistance for the
14 aged] *reasonable costs, if any, incurred* by such county welfare
15 board *when acting at the direction and on behalf of the Department*
16 *of Institutions and Agencies in investigating and determining*
17 *whether applicants for medical assistance for the aged are eligible*
18 *therefor under standards prescribed by the Department.*

1 8. Section 8 of chapter 222 of the laws of 1962, approved January
2 14, 1963, is repealed.

1 9. This act shall take effect January 1, 1970.

Governor Richard J. Hughes announced he had signed the following bills into law:

Senate Bill No. 350 -- which authorizes the school medical examiner to accept examinations conducted by other physicians.

Senate Bill No. 793 -- which validates the proceedings for a bond sale in the Manville School District.

Senate Bill No. 844 -- which appropriates \$250,000 in State aid for "inland waterways and shore protection", raising the total appropriation in said account to \$2,050,000.

Senate Bill No. 855 -- which validates the proceedings for the sale of bonds by the East Brunswick School District.

Assembly Bill No. 180 -- which makes persons receiving public assistance as a result of unemployment or underemployment or parents, eligible for Medicaid, in conformity with Federal requirements.

Assembly Bill No. 181 -- which makes persons determined to be eligible for old age assistance on a presumptive basis, eligible for Medicaid pending a final determination of eligibility, in conformance with Federal requirements.

Assembly Bill No. 448 -- which extends the period during which persons presently unlicensed in New Jersey, but otherwise qualified physicians and surgeons, may practice medicine in a State or county institution.

Assembly Bill No. 489 -- which authorizes the amount of State aid to county educational audio-visual aid commissions from \$2,500 to \$5,000 a year. The cost to the State will be approximately \$55,000. The original amount of aid had not been raised since 1950.

Assembly Bill No. 989 -- which makes eligible for Medicaid foster children and persons not otherwise legally competent to apply for categorical assistance or Medicaid, in accordance with Federal requirements.

Assembly Bill No. 990 -- which makes eligible for Medicaid persons in a nursing home through the old age assistance program, in accordance with Federal requirements, and removes a one-year residency requirement, in accordance with a recent decision of the United States Supreme Court.

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Assembly Bill No. 991 -- which transfers persons presently under the Medical Assistance for the Aged program, which will expire on January 1, 1970, to the Medicaid program. This measure is necessary in order that persons over 65 whose income exceeds the limits for old age assistance, but who were previously qualified for medical assistance for the aged, may continue to receive medical care under Medicaid.

Assembly Bill No. 1109 -- which appropriates \$5,000 to the Commission to Study Landlord-Tenant Relations, created pursuant to Assembly Concurrent Resolution No. 28 (1969).

Assembly Bill No. 1122 -- which appropriates \$2,500 to the Commission to Study the New Jersey Statutes Relating to Abortion, created pursuant to Assembly Concurrent Resolution No. 18 (1969).

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