

30:4D-21.4

LEGISLATIVE HISTORY CHECKLIST

Compiled by the NJ State Law Library

LAWS OF: 2003 **CHAPTER:** 281

NJSA: 30:4D-21.4 (Estimating income for programs for aged and disabled)

BILL NO: A712

SPONSOR(S): Weinberg and Greenstein

DATE INTRODUCED: Pre-filed

COMMITTEE: **ASSEMBLY:** Senior Issues; Appropriations

SENATE: Health, Human Services and Senior Citizens

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** May 20, 2002

SENATE: January 8, 2004

DATE OF ENACTEMENT: January 14, 2004

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (Original version of bill enacted)

[SPONSOR'S STATEMENT:](#) (Begins on page 5 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** Yes [2-4-2002 \(Senior Iss.\)](#)
[5-16-2002 \(Budget\)](#)

[SENATE:](#) [Yes](#)

FLOOR AMENDMENT STATEMENT: No

[LEGISLATIVE FISCAL ESTIMATE:](#) [Yes](#)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library [\(609\) 278-2640 ext. 103](tel:6092782640) or <mailto:refdesk@njstatelib.org>.

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

§1 - C.30:4D-21.4
§2 - C.30:4D-38.1
§3 - C.30:4D-45.1
§4 - C.48:2-29.16a
§5 - C.48:2-29.32a
§6 - Note to §§1-5
§7 - Note to all
sections

P.L. 2003, CHAPTER 281, *approved January 14, 2004*
Assembly, No. 712

1 **AN ACT** concerning eligibility for certain programs for the aged and
2 disabled and supplementing Titles 30 and 48 of the Revised
3 Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. a. Notwithstanding the provisions of any other law to the
9 contrary, a recipient of benefits under the "Pharmaceutical Assistance
10 to the Aged and Disabled" program, established pursuant to P.L.1975,
11 c.194 (C.30:4D-20 et seq.), shall notify the Department of Health and
12 Senior Services if the recipient unintentionally errs in estimating annual
13 income to determine eligibility for the program due to an unanticipated
14 payment which would render the recipient ineligible for the program.
15 Notification to the department shall be made in the time and manner
16 prescribed by the department.

17 b. If the department determines that the payment was
18 unanticipated, the recipient shall reimburse the program for only those
19 benefits that were paid by the program after the recipient received the
20 unanticipated payment.

21 c. If the department determines that the payment was not
22 unanticipated, the recipient shall reimburse the program for all benefits
23 that were paid by the program in the calendar year in which the
24 payment was received.

25 d. Within 30 days of receipt of a determination by the department
26 that the payment was not unanticipated, a recipient may request a
27 hearing, which shall be conducted pursuant to the "Administrative
28 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

29 e. Nothing in this section shall preclude a recipient from reapplying
30 for benefits in the calendar year following the year in which the
31 recipient notified the department pursuant to subsection a. of this
32 section.

33
34 2. a. Notwithstanding the provisions of any other law to the
35 contrary, a recipient of benefits under the "Hearing Aid Assistance for
36 the Aged and Disabled" program, established pursuant to P.L.1987,
37 c.298 (C.30:4D-36 et seq.), shall notify the Department of Health and
38 Senior Services if the recipient unintentionally errs in estimating annual
39 income to determine eligibility for the program due to an unanticipated

1 payment which would render the recipient ineligible for the program.
2 Notification to the department shall be made in the time and manner
3 prescribed by the department.

4 b. If the department determines that the payment was
5 unanticipated, the recipient shall reimburse the program for only those
6 benefits that were paid by the program after the recipient received the
7 unanticipated payment.

8 c. If the department determines that the payment was not
9 unanticipated, the recipient shall reimburse the program for all benefits
10 that were paid by the program in the calendar year in which the
11 payment was received.

12 d. Within 30 days of receipt of a determination by the department
13 that the payment was not unanticipated, a recipient may request a
14 hearing, which shall be conducted pursuant to the "Administrative
15 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

16 e. Nothing in this section shall preclude a recipient from reapplying
17 for benefits in the calendar year following the year in which the
18 recipient notified the department pursuant to subsection a. of this
19 section.

20

21 3. a. Notwithstanding the provisions of any other law to the
22 contrary, a recipient of benefits under the "Senior Gold Prescription
23 Discount Program," established pursuant to P.L.2001, c.96 (C.30:4D-
24 43 et seq.), shall notify the Department of Health and Senior Services
25 if the recipient unintentionally errs in estimating annual income to
26 determine eligibility for the program due to an unanticipated payment
27 which would render the recipient ineligible for the program.
28 Notification to the department shall be made in the time and manner
29 prescribed by the department.

30 b. If the department determines that the payment was
31 unanticipated, the recipient shall reimburse the program for only those
32 benefits that were paid by the program after the recipient received the
33 unanticipated payment.

34 c. If the department determines that the payment was not
35 unanticipated, the recipient shall reimburse the program for all benefits
36 that were paid by the program in the calendar year in which the
37 payment was received.

38 d. Within 30 days of receipt of a determination by the department
39 that the payment was not unanticipated, a recipient may request a
40 hearing, which shall be conducted pursuant to the "Administrative
41 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

42 e. Nothing in this section shall preclude a recipient from reapplying
43 for benefits in the calendar year following the year in which the
44 recipient notified the department pursuant to subsection a. of this
45 section.

1 4. a. Notwithstanding the provisions of any other law to the
2 contrary, a recipient of benefits under the "Lifeline Credit Program,"
3 established pursuant to P.L.1979, c.197 (C.48:2-29.15 et seq.), shall
4 notify the Department of Health and Senior Services if the recipient
5 unintentionally errs in estimating annual income to determine eligibility
6 for the program due to an unanticipated payment which would render
7 the recipient ineligible for the program. Notification to the department
8 shall be made in the time and manner prescribed by the department.

9 b. If the department determines that the payment was
10 unanticipated, the recipient shall reimburse the program for only those
11 benefits that were paid by the program after the recipient received the
12 unanticipated payment.

13 c. If the department determines that the payment was not
14 unanticipated, the recipient shall reimburse the program for all benefits
15 that were paid by the program in the calendar year in which the
16 payment was received.

17 d. Within 30 days of receipt of a determination by the department
18 that the payment was not unanticipated, a recipient may request a
19 hearing, which shall be conducted pursuant to the "Administrative
20 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

21 e. Nothing in this section shall preclude a recipient from reapplying
22 for benefits in the calendar year following the year in which the
23 recipient notified the department pursuant to subsection a. of this
24 section.

25
26 5. a. Notwithstanding the provisions of any other law to the
27 contrary, a recipient of benefits under the "Tenants' Lifeline Assistance
28 Program," established pursuant to P.L.1981, c.210 (C.48:2-29.30 et
29 seq.), shall notify the Department of Health and Senior Services if the
30 recipient unintentionally errs in estimating annual income to determine
31 eligibility for the program due to an unanticipated payment which
32 would render the recipient ineligible for the program. Notification to
33 the department shall be made in the time and manner prescribed by the
34 department.

35 b. If the department determines that the payment was
36 unanticipated, the recipient shall reimburse the program for only those
37 benefits that were paid by the program after the recipient received the
38 unanticipated payment.

39 c. If the department determines that the payment was not
40 unanticipated, the recipient shall reimburse the program for all benefits
41 that were paid by the program in the calendar year in which the
42 payment was received.

43 d. Within 30 days of receipt of a determination by the department
44 that the payment was not unanticipated, a recipient may request a
45 hearing, which shall be conducted pursuant to the "Administrative
46 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

1 e. Nothing in this section shall preclude a recipient from reapplying
2 for benefits in the calendar year following the year in which the
3 recipient notified the department pursuant to subsection a. of this
4 section.

5

6 6. Pursuant to the "Administrative Procedure Act," P.L.1968,
7 c.410 (C.52:14B-1 et seq.), the Department of Health and Senior
8 Services shall adopt rules and regulations to effectuate the purposes
9 of this act.

10

11 7. This act shall take effect on January 1 next following the date of
12 enactment.

13

14

15

16

17 Concerns errors in estimating income for certain programs for aged
18 and disabled persons.

ASSEMBLY, No. 712

STATE OF NEW JERSEY

210th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2002 SESSION

Sponsored by:

Assemblywoman LORETTA WEINBERG

District 37 (Bergen)

Assemblywoman LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Co-Sponsored by:

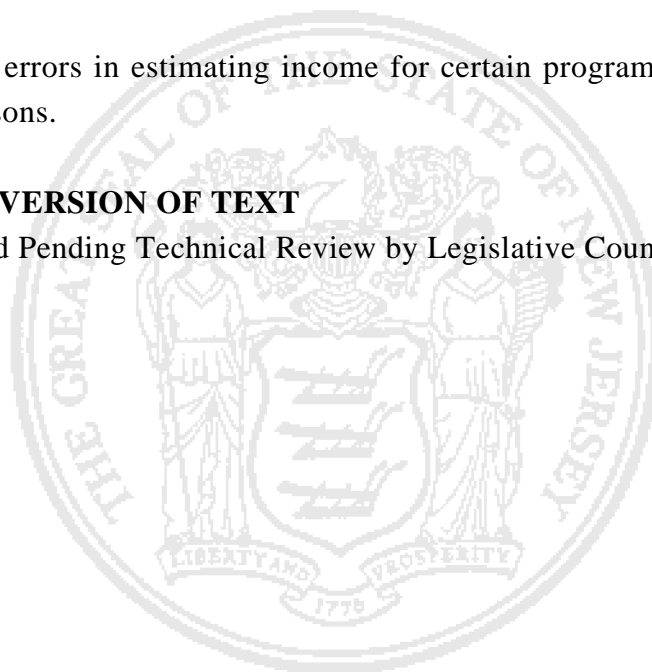
Assemblymen Barnes, Guear, Biondi, Blee, Conners, Green, Gusciora, Impreveduto, Assemblywomen Myers, Previte, Quigley, Assemblyman R.Smith, Assemblywomen Vandervalk, Watson Coleman, Assemblymen Wisniewski, Cottrell, Assemblywoman Cruz-Perez, Assemblymen Steele and Van Drew

SYNOPSIS

Concerns errors in estimating income for certain programs for aged and disabled persons.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 2/5/2002)

1 AN ACT concerning eligibility for certain programs for the aged and
2 disabled and supplementing Titles 30 and 48 of the Revised
3 Statutes.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7

8 1. a. Notwithstanding the provisions of any other law to the
9 contrary, a recipient of benefits under the "Pharmaceutical Assistance
10 to the Aged and Disabled" program, established pursuant to P.L.1975,
11 c.194 (C.30:4D-20 et seq.), shall notify the Department of Health and
12 Senior Services if the recipient unintentionally errs in estimating annual
13 income to determine eligibility for the program due to an unanticipated
14 payment which would render the recipient ineligible for the program.
15 Notification to the department shall be made in the time and manner
16 prescribed by the department.

17 b. If the department determines that the payment was
18 unanticipated, the recipient shall reimburse the program for only those
19 benefits that were paid by the program after the recipient received the
20 unanticipated payment.

21 c. If the department determines that the payment was not
22 unanticipated, the recipient shall reimburse the program for all benefits
23 that were paid by the program in the calendar year in which the
24 payment was received.

25 d. Within 30 days of receipt of a determination by the department
26 that the payment was not unanticipated, a recipient may request a
27 hearing, which shall be conducted pursuant to the "Administrative
28 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

29 e. Nothing in this section shall preclude a recipient from reapplying
30 for benefits in the calendar year following the year in which the
31 recipient notified the department pursuant to subsection a. of this
32 section.

33

34 2. a. Notwithstanding the provisions of any other law to the
35 contrary, a recipient of benefits under the "Hearing Aid Assistance for
36 the Aged and Disabled" program, established pursuant to P.L.1987,
37 c.298 (C.30:4D-36 et seq.), shall notify the Department of Health and
38 Senior Services if the recipient unintentionally errs in estimating annual
39 income to determine eligibility for the program due to an unanticipated
40 payment which would render the recipient ineligible for the program.
41 Notification to the department shall be made in the time and manner
42 prescribed by the department.

43 b. If the department determines that the payment was
44 unanticipated, the recipient shall reimburse the program for only those
45 benefits that were paid by the program after the recipient received the
46 unanticipated payment.

1 c. If the department determines that the payment was not
2 unanticipated, the recipient shall reimburse the program for all benefits
3 that were paid by the program in the calendar year in which the
4 payment was received.

5 d. Within 30 days of receipt of a determination by the department
6 that the payment was not unanticipated, a recipient may request a
7 hearing, which shall be conducted pursuant to the "Administrative
8 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

9 e. Nothing in this section shall preclude a recipient from reapplying
10 for benefits in the calendar year following the year in which the
11 recipient notified the department pursuant to subsection a. of this
12 section.

13
14 3. a. Notwithstanding the provisions of any other law to the
15 contrary, a recipient of benefits under the "Senior Gold Prescription
16 Discount Program," established pursuant to P.L.2001, c.96 (C.30:4D-
17 43 et seq.), shall notify the Department of Health and Senior Services
18 if the recipient unintentionally errs in estimating annual income to
19 determine eligibility for the program due to an unanticipated payment
20 which would render the recipient ineligible for the program.
21 Notification to the department shall be made in the time and manner
22 prescribed by the department.

23 b. If the department determines that the payment was
24 unanticipated, the recipient shall reimburse the program for only those
25 benefits that were paid by the program after the recipient received the
26 unanticipated payment.

27 c. If the department determines that the payment was not
28 unanticipated, the recipient shall reimburse the program for all benefits
29 that were paid by the program in the calendar year in which the
30 payment was received.

31 d. Within 30 days of receipt of a determination by the department
32 that the payment was not unanticipated, a recipient may request a
33 hearing, which shall be conducted pursuant to the "Administrative
34 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

35 e. Nothing in this section shall preclude a recipient from reapplying
36 for benefits in the calendar year following the year in which the
37 recipient notified the department pursuant to subsection a. of this
38 section.

39
40 4. a. Notwithstanding the provisions of any other law to the
41 contrary, a recipient of benefits under the "Lifeline Credit Program,"
42 established pursuant to P.L.1979, c.197 (C.48:2-29.15 et seq.), shall
43 notify the Department of Health and Senior Services if the recipient
44 unintentionally errs in estimating annual income to determine eligibility
45 for the program due to an unanticipated payment which would render
46 the recipient ineligible for the program. Notification to the department

1 shall be made in the time and manner prescribed by the department.

2 b. If the department determines that the payment was
3 unanticipated, the recipient shall reimburse the program for only those
4 benefits that were paid by the program after the recipient received the
5 unanticipated payment.

6 c. If the department determines that the payment was not
7 unanticipated, the recipient shall reimburse the program for all benefits
8 that were paid by the program in the calendar year in which the
9 payment was received.

10 d. Within 30 days of receipt of a determination by the department
11 that the payment was not unanticipated, a recipient may request a
12 hearing, which shall be conducted pursuant to the "Administrative
13 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

14 e. Nothing in this section shall preclude a recipient from reapplying
15 for benefits in the calendar year following the year in which the
16 recipient notified the department pursuant to subsection a. of this
17 section.

18

19 5. a. Notwithstanding the provisions of any other law to the
20 contrary, a recipient of benefits under the "Tenants' Lifeline Assistance
21 Program," established pursuant to P.L.1981, c.210 (C.48:2-29.30 et
22 seq.), shall notify the Department of Health and Senior Services if the
23 recipient unintentionally errs in estimating annual income to determine
24 eligibility for the program due to an unanticipated payment which
25 would render the recipient ineligible for the program. Notification to
26 the department shall be made in the time and manner prescribed by the
27 department.

28 b. If the department determines that the payment was
29 unanticipated, the recipient shall reimburse the program for only those
30 benefits that were paid by the program after the recipient received the
31 unanticipated payment.

32 c. If the department determines that the payment was not
33 unanticipated, the recipient shall reimburse the program for all benefits
34 that were paid by the program in the calendar year in which the
35 payment was received.

36 d. Within 30 days of receipt of a determination by the department
37 that the payment was not unanticipated, a recipient may request a
38 hearing, which shall be conducted pursuant to the "Administrative
39 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

40 e. Nothing in this section shall preclude a recipient from reapplying
41 for benefits in the calendar year following the year in which the
42 recipient notified the department pursuant to subsection a. of this
43 section.

44

45 6. Pursuant to the "Administrative Procedure Act," P.L.1968,
46 c.410 (C.52:14B-1 et seq.), the Department of Health and Senior

1 Services shall adopt rules and regulations to effectuate the purposes
2 of this act.

3

4 7. This act shall take effect on January 1 next following the date of
5 enactment.

6

7

8

STATEMENT

9

10 This bill provides that a recipient of benefits under the
11 "Pharmaceutical Assistance to the Aged and Disabled" program, the
12 "Hearing Aid Assistance for the Aged and Disabled" program, the
13 "Senior Gold Prescription Discount Program," the "Lifeline Credit
14 Program" and the "Tenants' Lifeline Assistance Program" shall notify
15 the Department of Health and Senior Services if the recipient
16 unintentionally errs in estimating annual income to determine eligibility
17 due to an unanticipated payment which would render the recipient
18 ineligible for any of these programs.

19 Under the provisions of the bill, if the department determines that
20 the payment was unanticipated, the recipient shall reimburse the
21 program for only those benefits that were paid by the program after
22 the recipient received the unanticipated payment. However, if the
23 department determines that the payment was not unanticipated, the
24 recipient shall reimburse the program for all benefits that were paid
25 by the program in the calendar year in which the payment was
26 received.

27 The bill provides that a recipient may request a hearing within 30
28 days of receipt of the department's determination that a payment was
29 not unanticipated. In addition, the bill stipulates that a recipient shall
30 not be precluded from reapplying for benefits in the calendar year
31 following the year in which the recipient notified the department of the
32 unanticipated payment.

33 The bill has an effective date of January 1 of the year following
34 enactment so that the bill's provisions apply to the beginning of the
35 next program year.

ASSEMBLY SENIOR ISSUES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 712

STATE OF NEW JERSEY

DATED: FEBRUARY 4, 2002

The Assembly Senior Issues Committee reports favorably Assembly Bill No. 712.

This bill provides that a recipient of benefits under the "Pharmaceutical Assistance to the Aged and Disabled" program, the "Hearing Aid Assistance for the Aged and Disabled" program, the "Senior Gold Prescription Discount Program," the "Lifeline Credit Program" and the "Tenants' Lifeline Assistance Program" shall notify the Department of Health and Senior Services if the recipient unintentionally errs in estimating annual income to determine eligibility due to an unanticipated payment which would render the recipient ineligible for any of these programs.

Under the provisions of the bill, if the department determines that the payment was unanticipated, the recipient shall reimburse the program for only those benefits that were paid by the program after the recipient received the unanticipated payment. However, if the department determines that the payment was not unanticipated, the recipient shall reimburse the program for all benefits that were paid by the program in the calendar year in which the payment was received.

The bill provides that a recipient may request a hearing within 30 days of receipt of the department's determination that a payment was not unanticipated. In addition, the bill stipulates that a recipient shall not be precluded from reapplying for benefits in the calendar year following the year in which the recipient notified the department of the unanticipated payment.

The bill has an effective date of January 1 of the year following enactment so that the bill's provisions apply to the beginning of the next program year.

This bill was pre-filed for introduction in the 2002-2003 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

ASSEMBLY BUDGET COMMITTEE

STATEMENT TO

ASSEMBLY, No. 712

STATE OF NEW JERSEY

DATED: MAY 16, 2002

The Assembly Budget Committee reports favorably Assembly Bill No. 712.

Assembly Bill No. 712 provides that a recipient of benefits under the "Pharmaceutical Assistance to the Aged and Disabled" program, the "Hearing Aid Assistance for the Aged and Disabled" program, the "Senior Gold Prescription Discount Program," the "Lifeline Credit Program" and the "Tenants' Lifeline Assistance Program" shall notify the Department of Health and Senior Services if the recipient unintentionally errs in estimating annual income to determine eligibility due to an unanticipated payment which would render the recipient ineligible for any of these programs.

Under the provisions of the bill, if the department determines that the payment was unanticipated, the recipient shall reimburse the program for only those benefits that were paid by the program after the recipient received the unanticipated payment. However, if the department determines that the payment was not unanticipated, the recipient shall reimburse the program for all benefits that were paid by the program in the calendar year in which the payment was received.

The bill provides that a recipient may request a hearing within 30 days of receipt of the department's determination that a payment was not unanticipated. In addition, the bill stipulates that a recipient shall not be precluded from reapplying for benefits in the calendar year following the year in which the recipient notified the department of the unanticipated payment.

The bill has an effective date of January 1 of the year following enactment so that the bill's provisions apply to the beginning of the next program year.

FISCAL IMPACT:

No fiscal information was made available on this legislation. However, the impact is indeterminate since it is not known how many persons become ineligible in any one year from receiving an unanticipated payment which would render the recipient ineligible for benefits. The offsetting amounts that the State would "save" from any reimbursements and less benefits being paid is not known.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 712

STATE OF NEW JERSEY

DATED: DECEMBER 15, 2003

The Senate Health, Human Services and Senior Citizens Committee reports favorably Assembly Bill No. 712.

Assembly Bill No. 712 provides that a recipient of benefits under the "Pharmaceutical Assistance to the Aged and Disabled" program, the "Hearing Aid Assistance for the Aged and Disabled" program, the "Senior Gold Prescription Discount Program," the "Lifeline Credit Program" and the "Tenants' Lifeline Assistance Program" shall notify the Department of Health and Senior Services if the recipient unintentionally errs in estimating annual income to determine eligibility due to an unanticipated payment which would render the recipient ineligible for any of these programs.

Under the provisions of the bill, if the department determines that the payment was unanticipated, the recipient shall reimburse the program for only those benefits that were paid by the program after the recipient received the unanticipated payment. However, if the department determines that the payment was not unanticipated, the recipient shall reimburse the program for all benefits that were paid by the program in the calendar year in which the payment was received.

The bill provides that a recipient may request a hearing within 30 days of receipt of the department's determination that a payment was not unanticipated. In addition, the bill stipulates that a recipient shall not be precluded from reapplying for benefits in the calendar year following the year in which the recipient notified the department of the unanticipated payment.

The bill has an effective date of January 1 of the year following enactment so that the bill's provisions apply to the beginning of the next program year.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 712
STATE OF NEW JERSEY
210th LEGISLATURE

DATED: JANUARY 16, 2003

SUMMARY

Synopsis: Concerns errors in estimating income for certain programs for aged and disabled persons.

Type of Impact: Indeterminate impact on the General Fund and the Casino Revenue Fund.

Agencies Affected: Department of Health and Senior Services (DHSS).

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate	Indeterminate	Indeterminate

- ! The legislation's fiscal impact is indeterminate because the number of recipients of the "Pharmaceutical Assistance to the Aged" (PAAD) program, the "Senior Gold Prescription Discount Program" (Senior Gold) and other related programs who will report that they made an unintentional error in estimating annual income, cannot be determined.
- ! Key terms used in the legislation, such as "unintentional" and "unanticipated" are subjective, therefore, there may be an increase in the number of hearings conducted by DHSS challenging the department's action if DHSS determines that the omission of certain income was not "unintentional" or "unanticipated".
- ! The FY 2003 recommended budget anticipates \$9.3 million in PAAD recoveries from other prescription drug plans eligible individuals may have, and from individuals who are determined ineligible for PAAD.

BILL DESCRIPTION

Assembly Bill No. 712 of 2002 provides that a recipient of benefits under the PAAD, the "Hearing Aid Assistance for the Aged and Disabled," Senior Gold, and the Lifeline (utility assistance) programs shall notify DHSS if the recipient unintentionally errs in estimating annual income to determine eligibility due to an unanticipated payment, which would render the recipient ineligible for any of these programs. If DHSS determines that the payment was unanticipated, the recipient shall reimburse the program for only those benefits that were paid by the program after the recipient received the unanticipated payment. However, if DHSS

determines that the payment was not unanticipated, the recipient shall reimburse the program for all benefits that were paid by the program in the calendar year in which the payment was made. Furthermore, the recipient may request a hearing within 30 days of receipt of DHSS' determination that a payment was not unanticipated, and a recipient may reapply for benefits in the calendar year following the year in which the recipient notified the department of the unanticipated payment.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services (OLS) cannot determine the legislation's fiscal impact on either the General Fund or the Casino Revenue Fund. The Office of Legislative Services cannot determine how much of the \$9.3 million in PAAD recoveries DHSS anticipates in FY 2003 is attributable to recoveries from health insurance providers, and how much is attributable to recoveries from individuals.

Furthermore, as key terms used in the legislation, such as "unintentional" and "unanticipated," are subjective, there may be an increase in the number of hearings challenging DHSS actions and related costs associated with such hearings, in cases in which DHSS determines that the omission of certain income was neither "unintentional" or "unanticipated." For example, an individual who has received capital gains distributions of between \$500 and \$1,500 from a mutual fund for the past several years estimates \$500 in capital gains distributions in the application. The mutual fund then provides a \$1,000 capital gains distribution, with the additional \$500 rendering the person ineligible for a particular program. DHSS would have to determine if the \$500 omission of capital gains income was "unintentional" because the individual could not have known that there would be a \$1,000 capital gains distribution, or was the omission "intentional" because the individual knew that the capital gains distribution could have been as much as \$1,500?

Section: *Human Services*

Analyst: *Jay Hershberg*
Principal Fiscal Analyst

Approved: *Alan R. Kooney*
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.