

30: 4D-7

LEGISLATIVE HISTORY CHECKLIST

NJSA 30:4D-7

Laws of 1974 Chapter 140

Bill No. S 1310

Sponsor(s) Greenberg

Date Introduced July 18, 1974

Committee: Assembly Institutions, Health & Welfare

Senate Institutions, Health & Welfare

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

Date of passage: Assembly October 21

Senate September 30

Date of approval October 30

Following statements are attached if available:

Sponsor statement Yes ~~No~~

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

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SENATE, No. 1310

STATE OF NEW JERSEY

INTRODUCED JULY 18, 1974

By Senator GREENBERG

Referred to Committee on Institutions, Health and Welfare

AN ACT to amend the "New Jersey Medical Assistance and Health Services Act," approved January 15, 1969 (P. L. 1968, c. 413).

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

1 1. Section 7 of P. L. 1968, c. 413 (C. 30:4D-7) is amended to
2 read as follows:

3 7. Duties of commissioner. **[**Under general policies established
4 by the State Board of Control, the**]** *The* commissioner is authorized
5 and empowered to issue, or to cause to be issued through the Divi-
6 sion of Medical Assistance and Health Services 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 participation that is available
10 with respect to a program of medical assistance, consistent with
11 fiscal responsibility and within the limits of funds available for
12 any fiscal year, and to the extent authorized by the medical assist-
13 ance program plan; to adopt fee schedules with regard to medical
14 assistance benefits and otherwise to accomplish the purposes of this
15 act, including specifically the following:

16 a. Subject to the limits imposed by this act, to submit a plan for
17 medical assistance, as required by Title XIX of the Federal Social
18 Security Act, to the Federal Department of Health, Education and
19 Welfare for approval pursuant to the provisions of such laws;
20 to act for the State in making negotiations relative to the sub-
21 mission and approval of such plan, to make such arrangements,
22 not inconsistent with the law, as may be required by or pursuant
23 to Federal law to obtain and retain such approval and to secure
24 for the State the benefits of the provisions of such law;

25 b. Subject to the limits imposed by this act, to determine the
26 amount and scope of services to be covered, that the amounts to be

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

27 paid are reasonable, and the duration of medical assistance to be
 28 furnished; provided, however, that the department shall provide
 29 medical assistance on behalf of all recipients of categorical assist-
 30 ~~ance and such other related groups as are mandatory under Federal~~
 31 laws and rules and regulations, as they now are or as they may
 32 be hereafter amended, in order to obtain Federal matching funds
 33 for such purposes and, in addition, provide medical assistance for
 34 the foster children specified in section 3. f. (5) of this act. The
 35 medical assistance provided for these groups shall not be less in
 36 scope, duration, or amount than is currently furnished such groups,
 37 and in addition, shall include at least the minimum services re-
 38 quired under Federal laws and rules and regulations to obtain
 39 Federal matching funds for such purposes.

40 The commissioner is authorized and empowered, at such times
 41 as he may determine feasible, within the limits of appropriated
 42 funds for any fiscal year, to extend the scope, duration, and amount
 43 of medical assistance on behalf of these groups of categorical
 44 assistance recipients, related groups as are mandatory, and foster
 45 children authorized pursuant to section 3. f. (5) of this act, so as to
 46 include, in whole or in part, the optional medical services autho-
 47 rized under Federal laws and rules and regulations, and the com-
 48 missioner shall have the authority to establish and maintain the
 49 priorities given such optional medical services; provided, however,
 50 that medical assistance shall be provided to at least such groups
 51 and in such scope, duration, and amount as are required to obtain
 52 Federal matching funds, but in no event shall medical assistance
 53 be furnished under this act on behalf of any individuals or groups
 54 not enumerated in section 3. f. for whom Federal matching funds
 55 cannot be obtained, nor in any scope, duration or amount in excess
 56 of those for which Federal matching funds can be obtained];

57 *The commissioner is further authorized and empowered, at such*
 58 *times as he may determine feasible, within the limits of appropri-*
 59 *ated funds for any fiscal year, to issue, or cause to be issued through*
 60 *the Division of Medical Assistance and Health Services all neces-*
 61 *sary rules, regulations and administrative orders, and to do or*
 62 *cause to be done all other acts and things necessary to implement*
 63 *and administer demonstration projects pursuant to Title ***[XIX]****
 64 **XI*, Section 1115 of the Federal Social Security Act, including, but*
 65 *not limited to waiving compliance with specific provisions *of* this*
 66 *act, to the extent and for the period of time the commissioner deems*
 67 *necessary, as well as contracting with any legal entity, including*
 68 *but not limited to corporations organized pursuant to Title 14A,*

69 *New Jersey Statutes (N. J. S. 14A:1-1 et seq.) and Title 15, Re-*
70 *vised Statutes (R. S. 15:1-1 et seq.) as well as boards, groups,*
71 *agencies, persons and other public or private entities.*

72 c. To administer the provisions of this act;

73 d. To make reports to the Federal Department of Health, Edu-
74 cation and Welfare as from time to time may be required by such
75 Federal department and to the New Jersey Legislature as here-
76 inafter provided;

77 e. To assure that any applicant for medical assistance shall be
78 afforded the opportunity for a fair hearing by the department
79 should his claim for medical assistance be denied or not acted upon
80 with reasonable promptness;

81 f. To provide that either the recipient or the provider shall be
82 afforded the opportunity for a fair hearing within a reasonable
83 time on any valid complaint;

84 g. To provide safeguards to restrict the use or disclosure of
85 information concerning applicants and recipients to purposes
86 directly connected with administration of this act[.];

87 h. To recover any and all payments incorrectly or illegally made
88 to a recipient or provider from such provider, the recipient or his
89 estate;

90 i. To recover any and all benefits incorrectly paid to a provider
91 on behalf of a recipient from such recipient or from his estate
92 except that no lien may be imposed against property of the recip-
93 ient prior to his death except pursuant to the judgment of a court;

94 j. To take all reasonable measures to ascertain the legal liability
95 of third parties to pay for care and services (available under the
96 plan) arising out of injury, disease, or disability; where it is known
97 that a third party has a legal liability, to treat such legal liability
98 as a resource of the individual on whose behalf the care and services
99 are made available for purposes of determining eligibility; and
100 in any case where such a legal liability is found to exist after
101 medical assistance has been made available on behalf of the indi-
102 vidual, to seek reimbursement for such assistance to the extent of
103 such legal liability. In any case where such a legal liability is
104 found the department shall be subrogated to the rights of the
105 individual for whom medical assistance was made available[.];

106 k. To solicit, receive and review bids pursuant to the provisions
107 of P. L. 1954, c. 48 (C. 52:34-6 et seq.) and all amendments and
108 supplements thereto, by authorized insurance companies and non-
109 profit hospital service corporations or medical service corporations,
110 incorporated in New Jersey, and authorized to do business pursuant

111 to P. L. 1938, c. 366 (C. 17:48-1 et seq.) or P. L. 1940, c. 74
112 (C. 17:48A-1 et seq.), and to make recommendations in connection
113 therewith to the State Medicaid Commission[.];

114 l. To contract, or otherwise provide as in this act provided, for
115 the payment of claims in the manner approved by the State
116 Medicaid Commission[.];

117 m. Where necessary, to advance funds to the underwriter or fiscal
118 agent to enable such underwriter or fiscal agent, in accordance
119 with terms of its contract, to make payments to providers;

120 n. To contract with and to pay [the] *for* appropriate *agencies*
121 *that investigate and determine* [county welfare boards for in-
122 vestigating and determining] whether applicants for benefits under
123 this act are eligible therefor under the standards prescribed by the
124 department;

125 o. To assure that the nature and quality of the medical assistance
126 provided for under this act shall be uniform and equitable to all
127 recipients.

1 2. This act shall take effect immediately.

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124 department;

125 o. To assure that the nature and quality of the medical assistance
126 provided for under this act shall be uniform and equitable to all
127 recipients.

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STATEMENT

This bill provides the Commissioner of Institutions and Agencies with sufficient statutory authority to participate jointly with the U.S. Secretary for Health, Education and Welfare in waiving certain medicaid eligibility requirements. The bill also enables the commissioner to provide medicaid benefits to individuals or groups for whom Federal matching funds could not be obtained.

FROM THE OFFICE OF THE GOVERNOR

OCTOBER 30, 1974

FOR FURTHER INFORMATION

FOR IMMEDIATE RELEASE

DICK CAMPBELL

Governor Brendan Byrne signed into law Wednesday a bill designed to clear the way for the Newark Medicaid waiver project.

The bill, S-1310, sponsored by Senator Martin L. Greenberg, D-Essex, authorizes the state commissioner of institutions and agencies to waive Medicaid eligibility provisions in certain instances and to contract with a non-profit corporation to administer the program.

The measure is needed in order for the state to participate with the federal government in the Newark Medicaid waiver project.

The project is a three-year pilot program sponsored jointly by the state and federal governments to provide comprehensive health care to certain medically indigent who do not meet Medicaid eligibility requirements.

The project calls for New Jersey to receive an estimated \$27 million in federal aid, which will be matched about equally with state funds.

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