

SENATE, No. 37

STATE OF NEW JERSEY

INTRODUCED OCTOBER 24, 1996

By Senators KYRILLOS, BRYANT, Bassano, Casey,
O'Connor, Girgenti, Zane, Lesniak, Adler, Lipman, Lynch,
Kosco, Kenny, Codey, MacInnes, Cardinale, Palaia, Sinagra,
Gormley and Baer

1 AN ACT concerning welfare reform, supplementing Title 44 of the
2 Revised Statutes and amending P.L.1968, c.413, P.L.1987, c.283
3 and P.L.1994, c.182.

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

7
8 1. (New section) As used in this act:

9 "Assistance unit" means: a single person without dependent
10 children; a couple without dependent children; dependent children
11 only; or a person with one or more dependent children who are legally
12 or blood-related, or who is their legal guardian, and who live together
13 as a household unit.

14 "Benefits" means any assistance provided to needy persons and
15 their dependent children and single persons under the Work First New
16 Jersey program.

17 "Commissioner" means the Commissioner of Human Services.

18 "Community work experience" means unpaid work experience and
19 training with a public, private nonprofit or private charitable employer,
20 provided to a recipient when, and to the extent, that such experience
21 is necessary to enable the recipient to adjust to, and learn how to
22 function in, an employment setting.

23 "Dependent child" means a child:

24 a. under the age of 18;

25 b. under the age of 19 and a full-time student in a secondary school
26 or an equivalent level of vocational or technical training, if, before the
27 student attains age 19, the student may reasonably be expected to
28 complete the student's program of secondary school or training; or

29 c. under the age of 21 and enrolled in a special education program,
30 who is living in New Jersey with the child's natural or adoptive parent
31 or legal guardian, or with a relative designated by the commissioner in

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

Matter underlined thus is new matter.

1 a place of residence maintained by the relative as the relative's home.

2 "Income" means, but is not limited to, commissions, salaries, self-
3 employed earnings, interest and dividend earnings, wages, receipts,
4 unemployment compensation, any legal or equitable interest or
5 entitlement owed that was acquired by a cause of action, suit, claim
6 or counterclaim, insurance benefits, temporary disability claims, estate
7 income, trusts, federal income tax refunds, State income tax refunds,
8 homestead rebates, lottery prizes, casino and racetrack winnings,
9 annuities, retirement benefits, veterans' benefits, union benefits, or
10 other sources that may be defined as income by the commissioner;
11 except that in the event that individual development accounts for
12 recipients are established by regulation of the commissioner, any
13 interest or dividend earnings from such an account shall not be
14 considered income.

15 "Income eligibility standard" means the income eligibility threshold
16 based on assistance unit size established by regulation of the
17 commissioner for benefits provided within the limit of funds
18 appropriated by the Legislature.

19 "Poverty level" means the official poverty level based on family
20 size, established and adjusted under Section 673 (2) of Subtitle B of
21 the "Community Services Block Grant Act, " Pub.L.97-35 (42 U.S.C.§
22 9902 (2)).

23 "Recipient" means a recipient of benefits under the Work First New
24 Jersey program.

25 "Services" means any Work First New Jersey benefits that are not
26 provided in the form of cash assistance.

27 "Standard of need" means the minimum amount of income and in-
28 kind benefits or services needed by families and single persons living
29 in New Jersey in order to maintain a decent and healthy standard of
30 living, as established by regulation of the commissioner, and shall
31 include necessary items such as housing, utilities, food, work-related
32 transportation, clothing and personal and household essentials.

33 "Title IV-A" means the provisions of Title IV-A of the federal
34 Social Security Act governing the program of aid to families with
35 dependent children established pursuant to P.L.1959, c.86 (C.44:10-1
36 et seq.) and the State Plan to implement those provisions that were in
37 effect on July 16, 1996, including income methodologies for
38 determining eligibility under those provisions and plan.

39 "Work activity" includes, but is not limited to, the following, as
40 defined by regulation of the commissioner: employment; work
41 experience; on-the-job training; job search and job readiness
42 assistance; vocational educational training; job skills training related
43 directly to employment; community work experience; alternative work
44 experience; supportive work; community service programs, including
45 the provision of child care as a community service project; in the case
46 of a teenage parent or a recipient under the age of 19 who is expected

1 to graduate or complete their course of study by their 19th birthday,
2 satisfactory attendance at a secondary school or in a course of study
3 leading to a certificate of general equivalence; and education that is
4 necessary for employment in the case of a person who has not received
5 a high school diploma or a certificate of high school equivalency, a
6 course of study leading to a certificate of general equivalence, or post-
7 secondary education, when combined with community work
8 experience participation or other approved work activities, including
9 employment.

10 "Work First New Jersey program" or "program" means the
11 program established pursuant to P.L. c. (C.)(pending before the
12 Legislature as Senate Bill No. of 1996).

13

14 2. (New section) A person who is a care giver to a dependent
15 child who is that care giver's legal or blood relative shall be evaluated
16 to determine whether that person is eligible for benefits if that person's
17 income is not in excess of 150% of the poverty level.

18

19 3. (New section) A parent who is eligible for benefits who is
20 married to a person who is not the parent of one or more of the
21 eligible parent's children shall not be eligible for benefits if the
22 household income exceeds the income eligibility standard. The eligible
23 parent's natural children, however, shall be eligible for benefits
24 according to a sliding income scale established by the commissioner,
25 which does not take into account the income of the eligible parent's
26 spouse, if the total annual household income does not exceed 150% of
27 the poverty level. The spouse of the eligible parent and the spouse's
28 natural child, if any, who is living with the family, who is not the
29 eligible parent's natural child, shall not be eligible for benefits.

30

31 4. (New section) In computing the cash assistance benefit
32 provided to recipients, the following disregards shall be applied to the
33 earned income of each person in the assistance unit:

34 a. 100% for the first month of employment; and

35 b. 50% for each month thereafter.

36

37 5. (New section) a. The program shall provide supportive services
38 to a recipient as a last resort when no other source of support is
39 available, except that the recipient shall be required to continuously
40 seek other sources of support. The commissioner shall determine the
41 amounts and extent of the support. The supportive services shall
42 include, but not be limited to, one or more of the following:

43 (1) child care services for a recipient's eligible dependent child, to
44 be provided to persons with dependent children for 24 consecutive
45 months following ineligibility for benefits as a result of receipt of
46 earned income;

1 (2) transportation services to be provided directly by the program
2 or through an allowance or other means of subsidy by which the
3 recipient may purchase transportation; and

4 (3) a limited allowance for each assistance unit to cover work-
5 related expenses necessary to engage in required work activities, as
6 determined by the commissioner.

7 b. Medical assistance shall be provided to an assistance unit with
8 dependent children pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.),
9 in accordance with the provisions of section 2 of P.L.1987, c.283
10 (C.30:4D-6c) which provides for a continuation of medical assistance
11 for a period of 24 consecutive months under certain circumstances,
12 except that:

13 (1) coverage solely of the adult head of an assistance unit by an
14 employer's health insurance plan shall not preclude other members of
15 the assistance unit from receiving the additional 24 months of medical
16 assistance; and

17 (2) an assistance unit with dependent children which, using the
18 limits and methodologies contained in Title IV-A, would not be
19 eligible for cash assistance under Title IV-A as a result of the
20 collection of child or spousal support under Title IV-D of the federal
21 Social Security Act (42 U.S.C. §651 et seq.), shall receive an
22 additional four months of medical assistance beginning with the first
23 month of ineligibility under the provisions of Title IV-A.

24
25 6. (New section) Single adults and couples without dependent
26 children shall not be eligible for medical assistance for inpatient or
27 outpatient hospital care or long-term care under the program, except
28 that medical assistance shall be provided for the following, in
29 accordance with regulations adopted by the commissioner:

30 (1) inpatient hospitalization costs for a recipient of general public
31 assistance pursuant to P.L.1947, c.156 (C.44:8-107 et seq.) who is
32 admitted to a special hospital licensed by the Department of Health
33 and Senior Services which is not eligible to receive a charity care
34 subsidy from the Health Care Subsidy Fund established pursuant to
35 P.L.1992, c.160 (C.26:2H-18.51 et al.) and to which payments were
36 made prior to July 1, 1991 on behalf of patients receiving general
37 public assistance;

38 (2) nursing home costs for a person residing in a non-Medicaid
39 certified nursing facility prior to July 1, 1995, whose income is above
40 the Medicaid institutional cap and who does not otherwise qualify for
41 State-funded nursing home care as a medically needy person pursuant
42 to P.L.1968, c.413 (C.30:4D-1 et seq.), to be paid for out of a
43 separate account from the Medicaid program; which assistance shall
44 continue until the person is no longer eligible for long-term care; and

45 (3) nursing home costs for an alien residing in a Medicaid certified
46 nursing facility prior to the effective date of this act who is not

1 Medicaid-eligible under Pub.L.104-193; which assistance shall
2 continue until the person is no longer eligible for long-term care.

3

4 7. (New section) a. The commissioner, in cooperation with other
5 affected agencies of State government, shall report biennially to the
6 Governor and the Legislature on the Work First New Jersey program,
7 and shall include in that report any recommendations for changes in
8 the law or regulations governing the program that the commissioner
9 deems necessary to further the goals of the program. The
10 commissioner shall determine the manner and terms of the reporting
11 in accordance with the requirements of federal law.

12 b. The commissioner shall issue a public report on at least a
13 quarterly basis concerning the number of recipients in the program, the
14 number of recipients classified as exempt from time limits or deferred
15 from work requirements, the number of recipients classified as to the
16 degree of employability as defined by the commissioner, the number
17 of recipients who have obtained employment, the number of recipients
18 terminated from the program and the reasons for the terminations, the
19 average wages and benefits earned by recipients, the types of
20 employment obtained by recipients and whether the employment is in
21 the public or private sector, the average length of stay by recipients in
22 their jobs, and the number of former recipients who have re-entered
23 the program after being terminated.

24 c. To the extent not otherwise provided pursuant to subsections a.
25 or b. of this section, the commissioner shall conduct such research as
26 he deems appropriate to evaluate the outcomes for recipients, and the
27 benefits, costs and other effects of the program, and shall submit any
28 report resulting from that research to the Governor and the Legislature
29 and otherwise make copies available to the public.

30

31 8. (New section) The commissioner shall establish by regulation
32 a standard of need and update the standard annually. The standard of
33 need shall serve only as a benchmark against which the Legislature
34 may decide on appropriations to fund cash assistance benefits to
35 recipients.

36

37 9. Section 3 of P.L.1968, c.413 (C.30:4D-3) is amended to read as
38 follows:

39 3. Definitions. As used in this act, and unless the context
40 otherwise requires:

41 a. "Applicant" means any person who has made application for
42 purposes of becoming a "qualified applicant."

43 b. "Commissioner" means the Commissioner of Human Services.

44 c. "Department" means the Department of Human Services, which
45 is herein designated as the single State agency to administer the
46 provisions of this act.

1 d. "Director" means the Director of the Division of Medical
2 Assistance and Health Services.

3 e. "Division" means the Division of Medical Assistance and Health
4 Services.

5 f. "Medicaid" means the New Jersey Medical Assistance and Health
6 Services Program.

7 g. "Medical assistance" means payments on behalf of recipients to
8 providers for medical care and services authorized under this act.

9 h. "Provider" means any person, public or private institution,
10 agency or business concern approved by the division lawfully
11 providing medical care, services, goods and supplies authorized under
12 this act, holding, where applicable, a current valid license to provide
13 such services or to dispense such goods or supplies.

14 i. "Qualified applicant" means a person who is a resident of this
15 State and is determined to need medical care and services as provided
16 under this act, and who:

17 (1) Is a recipient of [Aid to Families with Dependent Children]
18 benefits under the Work First New Jersey program established
19 pursuant to P.L. , c. (C.)(pending before the Legislature as
20 Senate Bill No. of 1996);

21 (2) Is a recipient of Supplemental Security Income for the Aged,
22 Blind and Disabled under Title XVI of the Social Security Act;

23 (3) Is an "ineligible spouse" of a recipient of Supplemental Security
24 Income for the Aged, Blind and Disabled under Title XVI of the Social
25 Security Act, as defined by the federal Social Security Administration;

26 (4) Would be eligible to receive public assistance under a
27 categorical assistance program except for failure to meet an eligibility
28 condition or requirement imposed under such State program which is
29 prohibited under Title XIX of the federal Social Security Act such as
30 a durational residency requirement, relative responsibility, consent to
31 imposition of a lien;

32 (5) Is a child between 18 and 21 years of age who would be
33 eligible for [Aid to Families with Dependent Children] the Work First
34 New Jersey program, living in the family group except for lack of
35 school attendance or pursuit of formalized vocational or technical
36 training;

37 (6) Is an individual under 21 years of age who qualifies for
38 categorical assistance on the basis of financial eligibility, but does not
39 qualify as a dependent child under the [State's program of Aid to
40 Families with Dependent Children (AFDC)] Work First New Jersey
41 program, or groups of such individuals, including but not limited to,
42 children in foster placement under supervision of the Division of
43 Youth and Family Services whose maintenance is being paid in whole
44 or in part from public funds, children placed in a foster home or
45 institution by a private adoption agency in New Jersey or children in
46 intermediate care facilities, including [institutions for the mentally

- 1 retarded] developmental centers for the developmentally disabled, or
2 in psychiatric hospitals;
- 3 (7) Meets the standard of need applicable to his circumstances
4 under a categorical assistance program or Supplemental Security
5 Income program, but is not receiving such assistance and applies for
6 medical assistance only;
- 7 (8) Is determined to be medically needy and meets all the eligibility
8 requirements described below:
- 9 (a) The following individuals are eligible for services, if they are
10 determined to be medically needy:
- 11 (i) Pregnant women;
- 12 (ii) Dependent children under the age of 21;
- 13 (iii) Individuals who are 65 years of age and older; and
- 14 (iv) Individuals who are blind or disabled pursuant to either 42
15 C.F.R.435.530 et seq. or 42 C.F.R.435.540 et seq., respectively.
- 16 (b) The following income standard shall be used to determine
17 medically needy eligibility:
- 18 (i) For one person and two person households, the income standard
19 shall be the maximum allowable under federal law, but shall not exceed
20 133 1/3% of the State's payment level to two person households
21 eligible to receive assistance pursuant to [P.L.1959, c.86 (C.44:10-1
22 et seq.)] P.L. _____, c. _____ (C. _____)(pending before the Legislature as
23 Senate Bill No. _____ of 1996); and
- 24 (ii) For households of three or more persons, the income standard
25 shall be set at 133 1/3% of the State's payment level to similar size
26 households eligible to receive assistance pursuant to [P.L.1959, c.86
27 (C.44:10-1 et seq.)] P.L. _____, c. _____ (C. _____)(pending before the
28 Legislature as Senate Bill No. _____ of 1996).
- 29 (c) The following resource standard shall be used to determine
30 medically needy eligibility:
- 31 (i) For one person households, the resource standard shall be 200%
32 of the resource standard for recipients of Supplemental Security
33 Income pursuant to 42 U.S.C.1382(1)(B);
- 34 (ii) For two person households, the resource standard shall be
35 200% of the resource standard for recipients of Supplemental Security
36 Income pursuant to 42 U.S.C.1382(2)(B);
- 37 (iii) For households of three or more persons, the resource
38 standard in subparagraph (c)(ii) above shall be increased by \$100.00
39 for each additional person; and
- 40 (iv) The resource standards established in (i), (ii), and (iii) are
41 subject to federal approval and the resource standard may be lower if
42 required by the federal Department of Health and Human Services.
- 43 (d) Individuals whose income exceeds those established in
44 subparagraph (b) of paragraph (8) of this subsection may become
45 medically needy by incurring medical expenses as defined in 42
46 C.F.R.435.831(c) which will reduce their income to the applicable

1 medically needy income established in subparagraph (b) of paragraph
2 (8) of this subsection.

3 (e) A six-month period shall be used to determine whether an
4 individual is medically needy.

5 (f) Eligibility determinations for the medically needy program shall
6 be administered as follows:

7 (i) County welfare agencies are responsible for determining and
8 certifying the eligibility of pregnant women and dependent children.
9 The division shall reimburse county welfare agencies for 100% of the
10 reasonable costs of administration which are not reimbursed by the
11 federal government for the first 12 months of this program's operation.
12 Thereafter, 75% of the administrative costs incurred by county welfare
13 agencies which are not reimbursed by the federal government shall be
14 reimbursed by the division;

15 (ii) The division is responsible for certifying the eligibility of
16 individuals who are 65 years of age and older and individuals who are
17 blind or disabled. The division may enter into contracts with county
18 welfare agencies to determine certain aspects of eligibility. In such
19 instances the division shall provide county welfare agencies with all
20 information the division may have available on the individual.

21 The division shall notify all eligible recipients of the Pharmaceutical
22 Assistance to the Aged and Disabled program, P.L.1975, c.194
23 (C.30:4D-20 et seq.) on an annual basis of the medically needy
24 program and the program's general requirements. The division shall
25 take all reasonable administrative actions to ensure that
26 Pharmaceutical Assistance to the Aged and Disabled recipients, who
27 notify the division that they may be eligible for the program, have their
28 applications processed expeditiously, at times and locations convenient
29 to the recipients; and

30 (iii) The division is responsible for certifying incurred medical
31 expenses for all eligible persons who attempt to qualify for the
32 program pursuant to subparagraph (d) of paragraph (8) of this
33 subsection;

34 (9) (a) Is a child who is at least one year of age and under six years
35 of age; and

36 (b) Is a member of a family whose income does not exceed 133%
37 of the poverty level and who meets the federal Medicaid eligibility
38 requirements set forth in section 9401 of Pub.L.99-509 (42
39 U.S.C.1396a);

40 (10) Is a pregnant woman who is determined by a provider to be
41 presumptively eligible for medical assistance based on criteria
42 established by the commissioner, pursuant to section 9407 of
43 Pub.L.99-509 (42 U.S.C.1396a(a));

44 (11) Is an individual 65 years of age and older, or an individual
45 who is blind or disabled pursuant to section 301 of Pub.L.92-603 (42
46 U.S.C.1382c), whose income does not exceed 100% of the poverty

1 level, adjusted for family size, and whose resources do not exceed
2 100% of the resource standard used to determine medically needy
3 eligibility pursuant to paragraph (8) of this subsection;

4 (12) Is a qualified disabled and working individual pursuant to
5 section 6408 of Pub.L.101-239 (42 U.S.C.1396d) whose income does
6 not exceed 200% of the poverty level and whose resources do not
7 exceed 200% of the resource standard used to determine eligibility
8 under the Supplemental Security Income Program, P.L.1973, c.256
9 (C.44:7-85 et seq.);

10 (13) Is a pregnant woman or is a child who is under one year of
11 age and is a member of a family whose income does not exceed 185%
12 of the poverty level and who meets the federal Medicaid eligibility
13 requirements set forth in section 9401 of Pub.L.99-509 (42
14 U.S.C.1396a), except that a pregnant woman who is determined to be
15 a qualified applicant shall, notwithstanding any change in the income
16 of the family of which she is a member, continue to be deemed a
17 qualified applicant until the end of the 60-day period beginning on the
18 last day of her pregnancy;

19 (14) Is a child born after September 30, 1983 who has attained six
20 years of age but has not attained 19 years of age and is a member of
21 a family whose income does not exceed 100% of the poverty level; or

22 (15) (a) Is a specified low-income medicare beneficiary pursuant
23 to 42 U.S.C.1396a(a)10(E)iii whose resources beginning January 1,
24 1993 do not exceed 200% of the resource standard used to determine
25 eligibility under the Supplemental Security Income program, P.L.1973,
26 c.256 (C.44:7-85 et seq.) and whose income beginning January 1,
27 1993 does not exceed 110% of the poverty level, and beginning
28 January 1, 1995 does not exceed 120% of the poverty level.

29 (b) An individual who has, within 36 months, or within 60 months
30 in the case of funds transferred into a trust, of applying to be a
31 qualified applicant for Medicaid services in a nursing facility or a
32 medical institution, or for home or community-based services under
33 section 1915(c) of the federal Social Security Act (42
34 U.S.C.1396n(c)), disposed of resources or income for less than fair
35 market value shall be ineligible for assistance for nursing facility
36 services, an equivalent level of services in a medical institution, or
37 home or community-based services under section 1915(c) of the
38 federal Social Security Act (42 U.S.C.1396n(c)). The period of the
39 ineligibility shall be the number of months resulting from dividing the
40 uncompensated value of the transferred resources or income by the
41 average monthly private payment rate for nursing facility services in
42 the State as determined annually by the commissioner. In the case of
43 multiple resource or income transfers, the resulting penalty periods
44 shall be imposed sequentially. Application of this requirement shall be
45 governed by 42 U.S.C. 1396p(c). In accordance with federal law, this
46 provision is effective for all transfers of resources or income made on

1 or after August 11, 1993. Notwithstanding the provisions of this
2 subsection to the contrary, the State eligibility requirements
3 concerning resource or income transfers shall not be more restrictive
4 than those enacted pursuant to 42 U.S.C. 1396p(c).

5 (c) An individual seeking nursing facility services or home or
6 community-based services and who has a community spouse shall be
7 required to expend those resources which are not protected for the
8 needs of the community spouse in accordance with section 1924(c) of
9 the federal Social Security Act (42 U.S.C. 1396r-5(c)) on the costs of
10 long-term care, burial arrangements, and any other expense deemed
11 appropriate and authorized by the commissioner. An individual shall
12 be ineligible for Medicaid services in a nursing facility or for home or
13 community-based services under section 1915(c) of the federal Social
14 Security Act (42 U.S.C. 1396n(c)) if the individual expends funds in
15 violation of this subparagraph. The period of ineligibility shall be the
16 number of months resulting from dividing the uncompensated value of
17 transferred resources and income by the average monthly private
18 payment rate for nursing facility services in the State as determined by
19 the commissioner. The period of ineligibility shall begin with the
20 month that the individual would otherwise be eligible for Medicaid
21 coverage for nursing facility services or home or community-based
22 services.

23 This subparagraph shall be operative only if all necessary approvals
24 are received from the federal government including, but not limited to,
25 approval of necessary State plan amendments and approval of any
26 waivers.

27 j. "Recipient" means any qualified applicant receiving benefits
28 under this act.

29 k. "Resident" means a person who is living in the State voluntarily
30 with the intention of making his home here and not for a temporary
31 purpose. Temporary absences from the State, with subsequent returns
32 to the State or intent to return when the purposes of the absences have
33 been accomplished, do not interrupt continuity of residence.

34 l. "State Medicaid Commission" means the Governor, the
35 Commissioner of Human Services, the President of the Senate and the
36 Speaker of the General Assembly, hereby constituted a commission to
37 approve and direct the means and method for the payment of claims
38 pursuant to this act.

39 m. "Third party" means any person, institution, corporation,
40 insurance company, group health plan as defined in section 607(1) of
41 the federal "Employee Retirement and Income Security Act of 1974,"
42 29 U.S.C.1167(1), service benefit plan, health maintenance
43 organization, or other prepaid health plan, or public, private or
44 governmental entity who is or may be liable in contract, tort, or
45 otherwise by law or equity to pay all or part of the medical cost of
46 injury, disease or disability of an applicant for or recipient of medical

1 assistance payable under this act.

2 n. "Governmental peer grouping system" means a separate class of
3 skilled nursing and intermediate care facilities administered by the
4 State or county governments, established for the purpose of screening
5 their reported costs and setting reimbursement rates under the
6 Medicaid program that are reasonable and adequate to meet the costs
7 that must be incurred by efficiently and economically operated State
8 or county skilled nursing and intermediate care facilities.

9 o. "Comprehensive maternity or pediatric care provider" means any
10 person or public or private health care facility that is a provider and
11 that is approved by the commissioner to provide comprehensive
12 maternity care or comprehensive pediatric care as defined in
13 subsection b. (18) and (19) of section 6 of P.L.1968, c.413
14 (C.30:4D-6).

15 p. "Poverty level" means the official poverty level based on family
16 size established and adjusted under Section 673(2) of Subtitle B, the
17 "Community Services Block Grant Act," of Pub.L.97-35
18 (42 U.S.C.9902(2)).
19 (cf: P.L.1995, c.292, s.1)

20

21 10. Section 2 of P.L.1987, c.283 (C.30:4D-6c) is amended to read
22 as follows:

23 2. [A] Subject to the provisions of section 5 of P.L. _____, c. _____
24 (C. _____)(pending before the Legislature as this bill), a person who
25 becomes ineligible for financial assistance under the [aid to families
26 with dependent children program, P.L.1959, c.86 (C.44:10-1 et seq.)]
27 Work First New Jersey program established pursuant to P.L. _____, c. _____
28 (C. _____)(pending before the Legislature as Senate Bill No. _____ of 1996),
29 due to earnings from, or increased hours of, employment, or receipt of
30 benefits under the "unemployment compensation law," R.S.43:21-1 et
31 seq. or the "Temporary Disability Benefits Law," P.L.1948, c.110
32 (C.43:21-25 et seq.), is eligible to continue receiving Medicaid benefits
33 pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.) for a period of 24
34 consecutive months, commencing with the month in which eligibility
35 for [aid to families with dependent children] the Work First New
36 Jersey program ceases, if the person:

37 [a. received financial assistance under the aid to families with
38 dependent children program for three of the last six months prior to
39 the person's becoming ineligible for the assistance, except in the case
40 of a person who becomes eligible for aid to families with dependent
41 children benefits on or after the effective date of this act; and]
42 (Deleted by amendment, P.L. _____, c. _____)(pending before the Legislature
43 as this bill).

44 b. would be eligible for [aid to families with dependent children]
45 Work First New Jersey financial assistance, except for the person's

1 income, resources or hours of employment.

2 (cf: P.L.1991, c.523, s.17)

3

4 11. Section 30 of P.L.1994, c.182 (C.44:10-5.9) is amended to
5 read as follows:

6 30. The director or other chief administrative officer of each
7 agency or office administering assistance under the ["Aid to Families
8 With Dependent Children" program] Work First New Jersey program
9 established pursuant to P.L. _____, c. _____ (C. _____)(pending before the
10 Legislature as Senate Bill No. _____ of 1996) shall:

11 a. cause copies of the voter registration forms and instructions
12 provided for under subsections e. and f. of section 16 of P.L.1974,
13 c.30 (C.19:31-6.4) and the declination form provided for in subsection
14 b. of section 26 of P.L.1994, c.182 (C.19:31-6.11) to be distributed at
15 each such agency or office to each person appearing in person thereat
16 to apply for services or assistance provided thereby or to seek a
17 recertification, renewal or change of address relative to the assistance
18 provided at such office. An employee of the agency or office shall
19 inquire of every such person whether the person, if not already
20 registered to vote from the place of his or her present residence,
21 wishes to be so registered and shall inform the person that whether or
22 not the applicant chooses to register will not affect the person's
23 eligibility for those services. The employee shall subsequently review
24 the forms to determine whether or not the person wishes to register to
25 vote. If the person does not wish to register, the employee shall
26 provide the person with any assistance necessary to complete the
27 declination form and then inform the person that the form will be
28 retained by the employee. If the person wishes to register, the
29 employee shall provide the person with any assistance necessary in
30 completing the voter registration form; shall inform the applicant that
31 the applicant may leave the completed form with the employee or mail
32 it personally to the Secretary of State; and if the applicant chooses to
33 leave the form, shall accept the completed form, stamp or otherwise
34 mark the lower right hand corner of the document with the date on
35 which it was so received, and forward it to the Secretary of State. The
36 employee shall provide to each applicant who does not decline to
37 register to vote the same degree of assistance with regard to the
38 completion of the voter registration form as is provided by the office
39 with regard to the completion of its own forms, unless the applicant
40 refuses such assistance;

41 b. provide for the continuous supply of the forms and instructions
42 specified in subsection a. of this section to every agency and office
43 which provides assistance under [P.L.1959, c.86 (C.44:10-1) and]
44 P.L. _____, c. _____ (C. _____)(pending before the Legislature as Senate Bill
45 No. _____ of 1996), 42 U.S.C. §601 et seq. and the federal "Food Stamp
46 Act of 1977," Pub.L.95-113 (7 U.S.C. §2011 et seq.);

1 c. provide the forms and instructions specified in subsection a. of
2 this section in both the English and Spanish languages to the agencies
3 and offices which are located in any county in which bilingual sample
4 ballots must be provided pursuant to R.S.19:14-21, R.S.19:49-4 or
5 section 2 of P.L.1965, c.29 (C.19:23-22.4);

6 d. provide for the collection of completed voter registration forms
7 by any employee of the agency or office for the transmittal of the
8 forms to the Secretary of State;

9 e. provide that the forms, instructions and assistance specified in
10 subsection a. of this section shall be provided to any person with a
11 disability who receives assistance or services at that person's home
12 from an employee of the agency or office;

13 f. inform each employee of the agency or office who assists in
14 registering a person to vote that employee shall not:

15 (1) seek to influence an applicant's political preference or party
16 registration;

17 (2) display any such political preference or party allegiance;

18 (3) make any statement to an applicant or take any action the
19 purpose or effect of which is to discourage the applicant from
20 registering to vote; or

21 (4) make any statement to an applicant or take any action the
22 purpose or effect of which is to lead the applicant to believe that a
23 decision to register or not to register has any bearing on the
24 availability of services or benefits; and

25 g. make certain that no information relating to a declination to
26 register to vote by an individual in connection with any type of
27 application for service made by that individual at any agency or office
28 is used for any purpose other than voter registration.

29 (cf: P.L.1994, c.182, s.30)

30
31 12. The commissioner, pursuant to the "Administrative Procedure
32 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and
33 regulations to effectuate the purposes of this act and to comply with
34 the requirements of Pub.L.104-193.

35
36 13. This act shall take effect immediately.
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39 STATEMENT

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41 This bill is part of a legislative package which establishes the "Work
42 First New Jersey" program in the Department of Human Services as
43 the State's consolidated public assistance program, replacing the
44 current programs of aid to families with dependent children, (AFDC),
45 AFDC emergency assistance, general assistance (GA), GA emergency
46 assistance, the GA employability program, and the Family

1 Development Initiative.

2 Specifically, concerning eligibility, the bill provides that a person
3 who is a care giver to a dependent child who is that care giver's legal
4 or blood relative shall be evaluated to determine whether that person
5 is eligible for benefits if that care giver's income is not in excess of
6 150% of the poverty level. Also, the bill clarifies the eligibilty of
7 children in households with step parents.

8 The bill requires the program to provide supportive services to
9 program recipients, including transportation and work expense
10 vouchers, as well as an extension of Medicaid benefits and a child care
11 subsidy for up to two years for households that become ineligible for
12 cash assistance because of income from employment.

13 The bill also specifies that single adults and couples without
14 dependent children shall not be eligible for medical assistance for
15 inpatient or outpatient hospital care or long-term care under the
16 program, except that medical assistance shall be provided for:

17 (1) inpatient hospitalization costs for a recipient of general public
18 assistance pursuant to P.L.1947, c.156 (C.44:8-107 et seq.) who is
19 admitted to a special hospital licensed by the Department of Health
20 and Senior Services which is not eligible to receive a charity care
21 subsidy from the Health Care Subsidy Fund;

22 (2) nursing home costs for a person residing in a non-Medicaid
23 certified nursing facility prior to July 1, 1995, whose income is above
24 the Medicaid institutional cap and who does not otherwise qualify for
25 State-funded nursing home care as a medically needy person; and

26 (3) nursing home costs for an alien residing in a Medicaid certified
27 nursing facility prior to the effective date of this act who is not
28 Medicaid-eligible under Pub.L.104-193.

29 The bill requires the Commissioner of Human Services to report to
30 the Legislature and Governor biennially on the program and to make
31 certain quarterly reports available to the public.

32 The bill directs the Commissioner of Human Services to establish,
33 by regulation, a standard of need and update that standard annually.
34 The standard of need will serve as a benchmark against which the
35 Legislature may decide on appropriations to fund cash assistance
36 benefits to recipients.

37 Finally, the bill amends P.L.1994, c.182, the "motor voter" law, to
38 update references in that bill to reflect the Work First New Jersey
39 program.

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44 Enacts various provisions of welfare reform including supportive
45 services and income disregards.