

[First Reprint]  
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,  
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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 <sup>1</sup>or couple<sup>1</sup> with one or more dependent children who  
12 are legally or blood-related, or who is their legal guardian, and who  
13 live together as a household unit.

14 "Benefits" means any assistance provided to needy persons and  
15 their dependent children and <sup>1</sup>needy<sup>1</sup> single persons <sup>1</sup>and couples<sup>1</sup>  
16 without dependent children<sup>1</sup> under the Work First New Jersey  
17 program.

18 "Commissioner" means the Commissioner of Human Services.

19 "Community work experience" means unpaid work <sup>1</sup>[experience]<sup>1</sup>  
20 and training with a public, private nonprofit or private charitable  
21 employer, provided to a recipient when, and to the extent, that such  
22 experience is necessary to enable the recipient to adjust to, and learn  
23 how to function in, an employment setting.

24 "Dependent child" means a child:

25 a. under the age of 18;

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

**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.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Senate SHU committee amendments adopted November 18, 1996.

1 complete the student's program of secondary school or training; or  
2 c. under the age of 21 and enrolled in a special education program,  
3 who is living in New Jersey with the child's natural or adoptive parent  
4 or legal guardian, or with a relative designated by the commissioner in  
5 a place of residence maintained by the relative as the relative's home.

6 "Income" means, but is not limited to, commissions, salaries, self-  
7 employed earnings, <sup>1</sup>child support and alimony payments,<sup>1</sup> interest and  
8 dividend earnings, wages, receipts, unemployment compensation, any  
9 legal or equitable interest or entitlement owed that was acquired by a  
10 cause of action, suit, claim or counterclaim, insurance benefits,  
11 temporary disability claims, estate income, trusts, federal income tax  
12 refunds, State income tax refunds, homestead rebates, lottery prizes,  
13 casino and racetrack winnings, annuities, retirement benefits, veterans'  
14 benefits, union benefits, or other sources that may be defined as  
15 income by the commissioner; except that in the event that individual  
16 development accounts for recipients are established by regulation of  
17 the commissioner, any interest or dividend earnings from such an  
18 account shall not be considered income.

19 "Income eligibility standard" means the income eligibility threshold  
20 based on assistance unit size established by regulation of the  
21 commissioner for benefits provided within the limit of funds  
22 appropriated by the Legislature.

23 <sup>1</sup>"Legal guardian" means a person who exercises continuing control  
24 over the person or property, or both, of a child, including any specific  
25 right of control over an aspect of the child's upbringing, pursuant to  
26 a court order.<sup>1</sup>

27 "Poverty level" means the official poverty level based on family  
28 size, established and adjusted under Section 673 (2) of Subtitle B of  
29 the "Community Services Block Grant Act, " Pub.L.97-35 (42 U.S.C.§  
30 9902 (2)).

31 "Recipient" means a recipient of benefits under the Work First New  
32 Jersey program.

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

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

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

1 <sup>1</sup>"Title IV-D" means the provisions of Title IV-D of the federal  
2 Social Security Act governing paternity establishment and child  
3 support enforcement activities and requirements.<sup>1</sup>

4 "Work activity" includes, but is not limited to, the following, as  
5 defined by regulation of the commissioner: employment; work  
6 experience; on-the-job training; job search and job readiness  
7 assistance; vocational educational training; job skills training related  
8 directly to employment; community work experience; alternative work  
9 experience; supportive work; community service programs, including  
10 the provision of child care as a community service project; in the case  
11 of a teenage parent or a recipient under the age of 19 who is expected  
12 to graduate or complete their course of study by their 19th birthday,  
13 satisfactory attendance at a secondary school or in a course of study  
14 leading to a certificate of general equivalence; and education that is  
15 necessary for employment in the case of a person who has not received  
16 a high school diploma or a certificate of high school equivalency, a  
17 course of study leading to a certificate of general equivalence, or post-  
18 secondary education, when combined with community work  
19 experience participation or other approved work activities, including  
20 employment.

21 "Work First New Jersey program" or "program" means the  
22 program established pursuant to P.L. c. (C. )(pending before the  
23 Legislature as Senate Bill No. <sup>1</sup>36<sup>1</sup> of 1996).

24  
25 2. (New section) A person <sup>1</sup>, other than a natural or adoptive  
26 parent or stepparent,<sup>1</sup> who is a care giver to a dependent child who is  
27 that care giver's legal or blood relative shall be evaluated to determine  
28 whether that person is eligible for benefits if that person's income is  
29 not in excess of 150% of the poverty level.

30  
31 3. (New section) A parent who is eligible for benefits who is  
32 married to a person who is not the parent of one or more of the  
33 eligible parent's children shall not be eligible for benefits if the  
34 household income exceeds the income eligibility standard. The eligible  
35 parent's natural children, however, shall be eligible for benefits  
36 according to a sliding income scale established by the commissioner,  
37 which does not take into account the income of the eligible parent's  
38 spouse, if the total annual household income does not exceed 150% of  
39 the poverty level. The spouse of the eligible parent and the spouse's  
40 natural child, if any, who is living with the family, who is not the  
41 eligible parent's natural child, shall not be eligible for benefits.

42  
43 4. (New section) In computing the cash assistance benefit  
44 provided to recipients, the following disregards shall be applied to the  
45 earned income of each person in the assistance unit:

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

1       b. 50% for each month thereafter.

2

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

9       (1) child care services <sup>1</sup>, including after-school child care in the  
10 case of a child over six years of age.<sup>1</sup> for <sup>1</sup>[a recipient's]<sup>1</sup> eligible  
11 dependent <sup>1</sup>[child]children<sup>1</sup>, to be provided <sup>1</sup>[to persons with  
12 dependent children]during the recipient's program eligibility period  
13 and<sup>1</sup> for 24 consecutive months following ineligibility for benefits as  
14 a result of receipt of earned income <sup>1</sup>[;].<sup>1</sup>

15       <sup>1</sup>An adult recipient who continues to be eligible to receive child  
16 care services following ineligibility for benefits, and an adult recipient  
17 who is employed but continues to receive benefits, shall pay a copay  
18 for child care services in accordance with a sliding fee scale established  
19 by the commissioner, which shall be no greater than the child care co-  
20 payment schedule established pursuant to N.J.A.C.10:81-14.18A;<sup>1</sup>

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

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

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

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

37       (2) an assistance unit with dependent children which, using the  
38 limits and methodologies contained in Title IV-A, would not be  
39 eligible for cash assistance under Title IV-A as a result of the  
40 collection of child or spousal support under Title IV-D of the federal  
41 Social Security Act (42 U.S.C. §651 et seq.), shall receive an  
42 additional four <sup>1</sup>consecutive<sup>1</sup> months of medical assistance beginning  
43 with the first month of ineligibility under the provisions of Title IV-A.

44

45       <sup>1</sup>6. (New section) A community college which provides campus-  
46 based child care and any work activity to a recipient as part of that

1 recipient's individual responsibility plan pursuant to section 8 of  
2 P.L. , c. (C. )(pending before the Legislature as Senate Bill No.  
3 36 of 1996), shall receive a subsidy for the provision of child care from  
4 the commissioner, in accordance with regulations adopted by the  
5 commissioner.<sup>1</sup>

6  
7 <sup>1</sup>[6.] 7.<sup>1</sup> (New section) Single adults and couples without  
8 dependent children shall not be eligible for medical assistance for  
9 inpatient or outpatient hospital care or long-term care under the  
10 program, except that medical assistance shall be provided for the  
11 following, in accordance with regulations adopted by the  
12 commissioner:

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

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

28 (3) nursing home costs for an alien residing in a Medicaid certified  
29 nursing facility prior to the effective date of this act who is not  
30 Medicaid-eligible under Pub.L.104-193; which assistance shall  
31 continue until the person is no longer eligible for long-term care.

32  
33 <sup>1</sup>[7.]8.<sup>1</sup> (New section) a. The commissioner, in cooperation with  
34 other affected agencies of State government, shall report biennially to  
35 the Governor and the Legislature on the Work First New Jersey  
36 program, and shall include in that report any recommendations for  
37 changes in the law or regulations governing the program that the  
38 commissioner deems necessary to further the goals of the program.  
39 The commissioner shall determine the manner and terms of the  
40 reporting in accordance with the requirements of federal law.

41 b. The commissioner shall issue a public report on at least a  
42 quarterly basis concerning the number of recipients in the program, the  
43 number of recipients classified as exempt from time limits or deferred  
44 from work requirements, the number of recipients classified as to the  
45 degree of employability as defined by the commissioner, the number  
46 of recipients who have obtained employment, the number of recipients

1 terminated from the program and the reasons for the terminations, the  
2 average wages and benefits earned by recipients, the types of  
3 employment obtained by recipients and whether the employment is in  
4 the public or private sector, the average length of stay <sup>1</sup>in their jobs<sup>1</sup>  
5 by recipients <sup>1</sup>who reapply for benefits [in their jobs]<sup>1</sup>, and the number  
6 of former recipients who have re-entered the program after being  
7 terminated.

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

14 <sup>1</sup>In addition, the commissioner shall initiate a study of the Michigan  
15 Civilian Conservation Corps program as a means of offering  
16 employment to economically disadvantaged youth that provides  
17 constructive work experience and training to increase their ability to  
18 secure unsubsidized employment. The commissioner shall study the  
19 effectiveness of the Michigan Civilian Conservation Corps program  
20 and the possibility of establishing such a program in this State. The  
21 commissioner shall submit a written report of his findings and  
22 recommendations to the Governor and the Legislature by January 1,  
23 1998.<sup>1</sup>

24  
25 <sup>1</sup>[8.] 9.<sup>1</sup> (New section) The commissioner shall establish by  
26 regulation a standard of need and update the standard annually. The  
27 standard of need shall serve only as a benchmark against which the  
28 Legislature may decide on appropriations to fund cash assistance  
29 benefits to recipients.

30  
31 <sup>1</sup>[9.] 10.<sup>1</sup> Section 3 of P.L.1968, c.413 (C.30:4D-3) is amended to  
32 read as follows:

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

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

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

38 c. "Department" means the Department of Human Services, which  
39 is herein designated as the single State agency to administer the  
40 provisions of this act.

41 d. "Director" means the Director of the Division of Medical  
42 Assistance and Health Services.

43 e. "Division" means the Division of Medical Assistance and Health  
44 Services.

45 f. "Medicaid" means the New Jersey Medical Assistance and Health  
46 Services Program.

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

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

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

11 (1) Is a 'dependent child or parent or caretaker relative of a  
12 dependent child and a' recipient of [Aid to Families with Dependent  
13 Children benefits under the Work First New Jersey program  
14 established pursuant to P.L. , c. (C. )(pending before the  
15 Legislature as Senate Bill No. '36' of 1996) 'who would be, except for  
16 resources, eligible for the aid to families with dependent children  
17 program under the State Plan for Title IV-A of the federal Social  
18 Security Act as of July 16, 1996';

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

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

24 (4) Would be eligible to receive <sup>1</sup>[public assistance under a  
25 categorical assistance program]Supplemental Security Income under  
26 Title XVI of the federal Social Security Act or would be, except for  
27 resources, eligible for the aid to families with dependent children  
28 program under the State Plan for Title IV-A of the federal Social  
29 Security Act as of July 16, 1996,<sup>1</sup> except for failure to meet an  
30 eligibility condition or requirement imposed under such State program  
31 which is prohibited under Title XIX of the federal Social Security Act  
32 such as a durational residency requirement, relative responsibility,  
33 consent to imposition of a lien;

34 (5) Is a child between 18 and 21 years of age who would be  
35 <sup>1</sup>, except for resources,<sup>1</sup> eligible for [Aid to Families with Dependent  
36 Children <sup>1</sup>[the Work First New Jersey program] the aid to families  
37 with dependent children program under the State Plan for Title IV-A  
38 of the federal Social Security Act as of July 16, 1996', living in the  
39 family group except for lack of school attendance or pursuit of  
40 formalized vocational or technical training;

41 (6) Is an individual under 21 years of age who <sup>1</sup>[qualifies for  
42 categorical assistance on the basis of financial eligibility, but does not  
43 qualify as a dependent child under the [State's program of Aid to  
44 Families with Dependent Children (AFDC)] Work First New Jersey  
45 program] would be, except for resources or dependent child  
46 requirements, eligible for the aid to families with dependent children

1 program under the State Plan for Title IV-A of the federal Social  
2 Security Act as of July 16, 1996<sup>1</sup>, or groups of such individuals,  
3 including but not limited to, children in foster placement under  
4 supervision of the Division of Youth and Family Services whose  
5 maintenance is being paid in whole or in part from public funds,  
6 children placed in a foster home or institution by a private adoption  
7 agency in New Jersey or children in intermediate care facilities,  
8 including [institutions for the mentally retarded] developmental centers  
9 for the developmentally disabled, or in psychiatric hospitals;

10 (7) <sup>1</sup>[Meets the standard of need applicable to his circumstances  
11 under a categorical assistance program] Except for resources, would  
12 be eligible for the aid to families with dependent children program  
13 under the State Plan for Title IV-A of the federal Social Security Act  
14 in effect as of July 16, 1996<sup>1</sup> or <sup>1</sup>the<sup>1</sup> Supplemental Security Income  
15 program, but is not receiving such assistance and applies for medical  
16 assistance only;

17 (8) Is determined to be medically needy and meets all the eligibility  
18 requirements described below:

19 (a) The following individuals are eligible for services, if they are  
20 determined to be medically needy:

21 (i) Pregnant women;

22 (ii) Dependent children under the age of 21;

23 (iii) Individuals who are 65 years of age and older; and

24 (iv) Individuals who are blind or disabled pursuant to either 42  
25 C.F.R.435.530 et seq. or 42 C.F.R.435.540 et seq., respectively.

26 (b) The following income standard shall be used to determine  
27 medically needy eligibility:

28 (i) For one person and two person households, the income standard  
29 shall be the maximum allowable under federal law, but shall not exceed  
30 133 1/3% of the State's payment level to two person households  
31 <sup>1</sup>[eligible to receive assistance pursuant to [P.L.1959, c.86 (C.44:10-1  
32 et seq.)]P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_)(pending before the Legislature as  
33 Senate Bill No. \_\_\_\_\_ of 1996)] under the aid to families with dependent  
34 children program under the State Plan for Title IV-A of the federal  
35 Social Security Act in effect as of July 16, 1996<sup>1</sup>; and

36 (ii) For households of three or more persons, the income standard  
37 shall be set at 133 1/3% of the State's payment level to similar size  
38 households <sup>1</sup>[eligible to receive assistance pursuant to [P.L.1959, c.86  
39 (C.44:10-1 et seq.)] P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_)(pending before the  
40 Legislature as Senate Bill No. \_\_\_\_\_ of 1996)] under the aid to families  
41 with dependent children program under the State Plan for Title IV-A  
42 of the federal Social Security Act in effect as of July 16, 1996<sup>1</sup>.

43 (c) The following resource standard shall be used to determine  
44 medically needy eligibility:

45 (i) For one person households, the resource standard shall be 200%  
46 of the resource standard for recipients of Supplemental Security

- 1 Income pursuant to 42 U.S.C.1382(1)(B);
- 2 (ii) For two person households, the resource standard shall be  
3 200% of the resource standard for recipients of Supplemental Security  
4 Income pursuant to 42 U.S.C.1382(2)(B);
- 5 (iii) For households of three or more persons, the resource  
6 standard in subparagraph (c)(ii) above shall be increased by \$100.00  
7 for each additional person; and
- 8 (iv) The resource standards established in (i), (ii), and (iii) are  
9 subject to federal approval and the resource standard may be lower if  
10 required by the federal Department of Health and Human Services.
- 11 (d) Individuals whose income exceeds those established in  
12 subparagraph (b) of paragraph (8) of this subsection may become  
13 medically needy by incurring medical expenses as defined in 42  
14 C.F.R.435.831(c) which will reduce their income to the applicable  
15 medically needy income established in subparagraph (b) of paragraph  
16 (8) of this subsection.
- 17 (e) A six-month period shall be used to determine whether an  
18 individual is medically needy.
- 19 (f) Eligibility determinations for the medically needy program shall  
20 be administered as follows:
- 21 (i) County welfare agencies are responsible for determining and  
22 certifying the eligibility of pregnant women and dependent children.  
23 The division shall reimburse county welfare agencies for 100% of the  
24 reasonable costs of administration which are not reimbursed by the  
25 federal government for the first 12 months of this program's operation.  
26 Thereafter, 75% of the administrative costs incurred by county welfare  
27 agencies which are not reimbursed by the federal government shall be  
28 reimbursed by the division;
- 29 (ii) The division is responsible for certifying the eligibility of  
30 individuals who are 65 years of age and older and individuals who are  
31 blind or disabled. The division may enter into contracts with county  
32 welfare agencies to determine certain aspects of eligibility. In such  
33 instances the division shall provide county welfare agencies with all  
34 information the division may have available on the individual.
- 35 The division shall notify all eligible recipients of the Pharmaceutical  
36 Assistance to the Aged and Disabled program, P.L.1975, c.194  
37 (C.30:4D-20 et seq.) on an annual basis of the medically needy  
38 program and the program's general requirements. The division shall  
39 take all reasonable administrative actions to ensure that  
40 Pharmaceutical Assistance to the Aged and Disabled recipients, who  
41 notify the division that they may be eligible for the program, have their  
42 applications processed expeditiously, at times and locations convenient  
43 to the recipients; and
- 44 (iii) The division is responsible for certifying incurred medical  
45 expenses for all eligible persons who attempt to qualify for the  
46 program pursuant to subparagraph (d) of paragraph (8) of this

1 subsection;

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

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

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

12 (11) Is an individual 65 years of age and older, or an individual  
13 who is blind or disabled pursuant to section 301 of Pub.L.92-603 (42  
14 U.S.C.1382c), whose income does not exceed 100% of the poverty  
15 level, adjusted for family size, and whose resources do not exceed  
16 100% of the resource standard used to determine medically needy  
17 eligibility pursuant to paragraph (8) of this subsection;

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

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

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

36 (15) (a) Is a specified low-income medicare beneficiary pursuant  
37 to 42 U.S.C.1396a(a)10(E)iii whose resources beginning January 1,  
38 1993 do not exceed 200% of the resource standard used to determine  
39 eligibility under the Supplemental Security Income program, P.L.1973,  
40 c.256 (C.44:7-85 et seq.) and whose income beginning January 1,  
41 1993 does not exceed 110% of the poverty level, and beginning  
42 January 1, 1995 does not exceed 120% of the poverty level.

43 (b) An individual who has, within 36 months, or within 60 months  
44 in the case of funds transferred into a trust, of applying to be a  
45 qualified applicant for Medicaid services in a nursing facility or a  
46 medical institution, or for home or community-based services under

1 section 1915(c) of the federal Social Security Act (42  
2 U.S.C.1396n(c)), disposed of resources or income for less than fair  
3 market value shall be ineligible for assistance for nursing facility  
4 services, an equivalent level of services in a medical institution, or  
5 home or community-based services under section 1915(c) of the  
6 federal Social Security Act (42 U.S.C.1396n(c)). The period of the  
7 ineligibility shall be the number of months resulting from dividing the  
8 uncompensated value of the transferred resources or income by the  
9 average monthly private payment rate for nursing facility services in  
10 the State as determined annually by the commissioner. In the case of  
11 multiple resource or income transfers, the resulting penalty periods  
12 shall be imposed sequentially. Application of this requirement shall be  
13 governed by 42 U.S.C. 1396p(c). In accordance with federal law, this  
14 provision is effective for all transfers of resources or income made on  
15 or after August 11, 1993. Notwithstanding the provisions of this  
16 subsection to the contrary, the State eligibility requirements  
17 concerning resource or income transfers shall not be more restrictive  
18 than those enacted pursuant to 42 U.S.C. 1396p(c).

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

37 This subparagraph shall be operative only if all necessary approvals  
38 are received from the federal government including, but not limited to,  
39 approval of necessary State plan amendments and approval of any  
40 waivers.

41 j. "Recipient" means any qualified applicant receiving benefits  
42 under this act.

43 k. "Resident" means a person who is living in the State voluntarily  
44 with the intention of making his home here and not for a temporary  
45 purpose. Temporary absences from the State, with subsequent returns  
46 to the State or intent to return when the purposes of the absences have

1 been accomplished, do not interrupt continuity of residence.

2 1. "State Medicaid Commission" means the Governor, the  
3 Commissioner of Human Services, the President of the Senate and the  
4 Speaker of the General Assembly, hereby constituted a commission to  
5 approve and direct the means and method for the payment of claims  
6 pursuant to this act.

7 m. "Third party" means any person, institution, corporation,  
8 insurance company, group health plan as defined in section 607(1) of  
9 the federal "Employee Retirement and Income Security Act of 1974,"  
10 29 U.S.C.1167(1), service benefit plan, health maintenance  
11 organization, or other prepaid health plan, or public, private or  
12 governmental entity who is or may be liable in contract, tort, or  
13 otherwise by law or equity to pay all or part of the medical cost of  
14 injury, disease or disability of an applicant for or recipient of medical  
15 assistance payable under this act.

16 n. "Governmental peer grouping system" means a separate class of  
17 skilled nursing and intermediate care facilities administered by the  
18 State or county governments, established for the purpose of screening  
19 their reported costs and setting reimbursement rates under the  
20 Medicaid program that are reasonable and adequate to meet the costs  
21 that must be incurred by efficiently and economically operated State  
22 or county skilled nursing and intermediate care facilities.

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

29 p. "Poverty level" means the official poverty level based on family  
30 size established and adjusted under Section 673(2) of Subtitle B, the  
31 "Community Services Block Grant Act," of Pub.L.97-35  
32 (42 U.S.C.9902(2)).  
33 (cf: P.L.1995, c.292, s.1)

34  
35 <sup>1</sup>[10.] 11.<sup>1</sup> Section 2 of P.L.1987, c.283 (C.30:4D-6c) is amended  
36 to read as follows:

37 2. [A] <sup>1</sup>[Subject to the provisions of section 5 of P.L. \_\_\_\_\_, c. \_\_\_\_\_  
38 (C. \_\_\_\_\_)(pending before the Legislature as this bill), a person who  
39 becomes ineligible for financial assistance under the [aid to families  
40 with dependent children program, P.L.1959, c.86 (C.44:10-1 et seq.)]  
41 Work First New Jersey program established pursuant to P.L. \_\_\_\_\_, c. \_\_\_\_\_  
42 (C. \_\_\_\_\_)(pending before the Legislature as Senate Bill No. of 1996).]  
43 A dependent child or the parent or caretaker relative of a dependent  
44 child who would lose eligibility for the aid to families with dependent  
45 children program under the State Plan for Title IV-A of the federal  
46 Social Security Act in effect as of July 16, 1996<sup>1</sup> due to earnings from,

1 or increased hours of, employment, or receipt of benefits under the  
 2 "unemployment compensation law," R.S.43:21-1 et seq. or the  
 3 "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et  
 4 seq.), is eligible to continue receiving Medicaid benefits pursuant to  
 5 P.L.1968, c.413 (C.30:4D-1 et seq.) for a period of 24 consecutive  
 6 months, commencing with the month in which eligibility <sup>1</sup>[for] <sup>1</sup>[aid to  
 7 families with dependent children] <sup>1</sup>[the Work First New Jersey  
 8 program ceases,] under provisions of the State Plan for Title IV-A of  
 9 the federal Social Security Act in effect as of July 16, 1996 is no  
 10 longer met. <sup>1</sup> if the person <sup>1</sup>[:] <sup>1</sup>

11 a. [received financial assistance under the aid to families with  
 12 dependent children program for three of the last six months prior to  
 13 the person's becoming ineligible for the assistance, except in the case  
 14 of a person who becomes eligible for aid to families with dependent  
 15 children benefits on or after the effective date of this act; and]  
 16 (Deleted by amendment, P.L. , c. )(pending before the Legislature  
 17 as this bill).

18 b. would be eligible <sup>1</sup>[for] <sup>1</sup>[aid to families with dependent  
 19 children] <sup>1</sup>[Work First New Jersey financial assistance] in accordance  
 20 with the State Plan for Title IV-A of the federal Social Security Act in  
 21 effect as of July 16, 1996 <sup>1</sup>, except for the person's income, resources  
 22 or hours of employment.  
 23 (cf: P.L.1991, c.523, s.17)

24  
 25 <sup>1</sup>[11.] 12. <sup>1</sup> Section 30 of P.L.1994, c.182 (C.44:10-5.9) is  
 26 amended to read as follows:

27 30. The director or other chief administrative officer of each  
 28 agency or office administering assistance under the ["Aid to Families  
 29 With Dependent Children" program] Work First New Jersey program  
 30 established pursuant to P.L. , c. (C. )(pending before the  
 31 Legislature as Senate Bill No. 136 <sup>1</sup> of 1996) shall:

32 a. cause copies of the voter registration forms and instructions  
 33 provided for under subsections e. and f. of section 16 of P.L.1974,  
 34 c.30 (C.19:31-6.4) and the declination form provided for in subsection  
 35 b. of section 26 of P.L.1994, c.182 (C.19:31-6.11) to be distributed at  
 36 each such agency or office to each person appearing in person thereat  
 37 to apply for services or assistance provided thereby or to seek a  
 38 recertification, renewal or change of address relative to the assistance  
 39 provided at such office. An employee of the agency or office shall  
 40 inquire of every such person whether the person, if not already  
 41 registered to vote from the place of his or her present residence,  
 42 wishes to be so registered and shall inform the person that whether or  
 43 not the applicant chooses to register will not affect the person's  
 44 eligibility for those services. The employee shall subsequently review  
 45 the forms to determine whether or not the person wishes to register to  
 46 vote. If the person does not wish to register, the employee shall

1 provide the person with any assistance necessary to complete the  
2 declination form and then inform the person that the form will be  
3 retained by the employee. If the person wishes to register, the  
4 employee shall provide the person with any assistance necessary in  
5 completing the voter registration form; shall inform the applicant that  
6 the applicant may leave the completed form with the employee or mail  
7 it personally to the Secretary of State; and if the applicant chooses to  
8 leave the form, shall accept the completed form, stamp or otherwise  
9 mark the lower right hand corner of the document with the date on  
10 which it was so received, and forward it to the Secretary of State. The  
11 employee shall provide to each applicant who does not decline to  
12 register to vote the same degree of assistance with regard to the  
13 completion of the voter registration form as is provided by the office  
14 with regard to the completion of its own forms, unless the applicant  
15 refuses such assistance;

16 b. provide for the continuous supply of the forms and instructions  
17 specified in subsection a. of this section to every agency and office  
18 which provides assistance under [P.L.1959, c.86 (C.44:10-1) and]  
19 P.L. , c. (C. )(pending before the Legislature as Senate Bill  
20 No. 136<sup>1</sup> of 1996), 42 U.S.C. §601 et seq. and the federal "Food  
21 Stamp Act of 1977," Pub.L.95-113 (7 U.S.C. §2011 et seq.);

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

27 d. provide for the collection of completed voter registration forms  
28 by any employee of the agency or office for the transmittal of the  
29 forms to the Secretary of State;

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

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

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

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

39 (3) make any statement to an applicant or take any action the  
40 purpose or effect of which is to discourage the applicant from  
41 registering to vote; or

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

46 g. make certain that no information relating to a declination to

1 register to vote by an individual in connection with any type of  
2 application for service made by that individual at any agency or office  
3 is used for any purpose other than voter registration.

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

5

6 <sup>1</sup>[12.] 13.<sup>1</sup> The commissioner, pursuant to the "Administrative  
7 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt  
8 rules and regulations to effectuate the purposes of this act and to  
9 comply with the requirements of Pub.L.104-193.

10

11 <sup>1</sup>[13.] 14.<sup>1</sup> This act shall take effect immediately.

12

13

14

15

16 Enacts various provisions of welfare reform including supportive  
17 services and income disregards.