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SENATE, No. 37

STATE OF NEW JERSEY

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**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 ¹or couple¹ 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 ¹needy¹ single persons and couples
16 without dependent children¹ under the Work First New Jersey
17 program.

18 "Commissioner" means the Commissioner of Human Services.

19 "Community work experience" means unpaid work ¹[experience]¹
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;

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:

¹ Senate SHU committee amendments adopted November 18, 1996.

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

5 c. under the age of 21 and enrolled in a special education program,
6 who is living in New Jersey with the child's natural or adoptive parent
7 or legal guardian, or with a relative designated by the commissioner in
8 a place of residence maintained by the relative as the relative's home.

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

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

26 ¹"Legal guardian" means a person who exercises continuing control
27 over the person or property, or both, of a child, including any specific
28 right of control over an aspect of the child's upbringing, pursuant to
29 a court order.¹

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

34 "Recipient" means a recipient of benefits under the Work First New
35 Jersey program.

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

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

44 "Title IV-A" means the provisions of Title IV-A of the federal
45 Social Security Act governing the program of aid to families with
46 dependent children established pursuant to P.L.1959, c.86 (C.44:10-1

1 et seq.) and the State Plan to implement those provisions that were in
2 effect on July 16, 1996, including income methodologies for
3 determining eligibility under those provisions and plan.

4 ¹"Title IV-D" means the provisions of Title IV-D of the federal
5 Social Security Act governing paternity establishment and child
6 support enforcement activities and requirements.¹

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

24 "Work First New Jersey program" or "program" means the
25 program established pursuant to P.L. c. (C.)(pending before the
26 Legislature as Senate Bill No. ¹36¹ of 1996).

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

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

45
46 4. (New section) In computing the cash assistance benefit

1 provided to recipients, the following disregards shall be applied to the
2 earned income of each person in the assistance unit:

- 3 a. 100% for the first month of employment; and
- 4 b. 50% for each month thereafter.

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

12 (1) child care services ¹, including after-school child care in the
13 case of a child over six years of age.¹ for ¹[a recipient's]¹ eligible
14 dependent ¹[child]children , to be provided [to] persons with
15 dependent children] during the recipient's program eligibility period
16 and¹ for 24 consecutive months following ineligibility for benefits as
17 a result of receipt of earned income ¹[;].¹

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

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

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

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

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

40 (2) an assistance unit with dependent children which, using the
41 limits and methodologies contained in Title IV-A, would not be
42 eligible for cash assistance under Title IV-A as a result of the
43 collection of child or spousal support under Title IV-D of the federal
44 Social Security Act (42 U.S.C. §651 et seq.), shall receive an
45 additional four ¹consecutive¹ months of medical assistance beginning
46 with the first month of ineligibility under the provisions of Title IV-A.

1 16. (New section) A community college which provides campus-
2 based child care and any work activity to a recipient as part of that
3 recipient's individual responsibility plan pursuant to section 8 of
4 P.L. , c. (C.)(pending before the Legislature as Senate Bill No.
5 36 of 1996), shall receive a subsidy for the provision of child care from
6 the commissioner, in accordance with regulations adopted by the
7 commissioner.¹

8
9 ¹[6.] 7.¹ (New section) Single adults and couples without
10 dependent children shall not be eligible for medical assistance for
11 inpatient or outpatient hospital care or long-term care under the
12 program, except that medical assistance shall be provided for the
13 following, in accordance with regulations adopted by the
14 commissioner:

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

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

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

34
35 ¹[7.]8.¹ (New section) a. The commissioner, in cooperation with
36 other affected agencies of State government, shall report biennially to
37 the Governor and the Legislature on the Work First New Jersey
38 program, and shall include in that report any recommendations for
39 changes in the law or regulations governing the program that the
40 commissioner deems necessary to further the goals of the program.
41 The commissioner shall determine the manner and terms of the
42 reporting in accordance with the requirements of federal law.

43 b. The commissioner shall issue a public report on at least a
44 quarterly basis concerning the number of recipients in the program, the
45 number of recipients classified as exempt from time limits or deferred
46 from work requirements, the number of recipients classified as to the

1 degree of employability as defined by the commissioner, the number
2 of recipients who have obtained employment, the number of recipients
3 terminated from the program and the reasons for the terminations, the
4 average wages and benefits earned by recipients, the types of
5 employment obtained by recipients and whether the employment is in
6 the public or private sector, the average length of stay ¹in their jobs¹
7 by recipients ¹who reapply for benefits [in their jobs]¹, and the number
8 of former recipients who have re-entered the program after being
9 terminated.

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

16 ¹In addition, the commissioner shall initiate a study of the Michigan
17 Civilian Conservation Corps program as a means of offering
18 employment to economically disadvantaged youth that provides
19 constructive work experience and training to increase their ability to
20 secure unsubsidized employment. The commissioner shall study the
21 effectiveness of the Michigan Civilian Conservation Corps program
22 and the possibility of establishing such a program in this State. The
23 commissioner shall submit a written report of his findings and
24 recommendations to the Governor and the Legislature by January 1,
25 1998.¹

26
27 ¹[8.] 9.¹ (New section) The commissioner shall establish by
28 regulation a standard of need and update the standard annually. The
29 standard of need shall serve only as a benchmark against which the
30 Legislature may decide on appropriations to fund cash assistance
31 benefits to recipients.

32
33 ¹[9.] 10.¹ Section 3 of P.L.1968, c.413 (C.30:4D-3) is amended to
34 read as follows:

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

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

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

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

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

45 e. "Division" means the Division of Medical Assistance and Health
46 Services.

- 1 f. "Medicaid" means the New Jersey Medical Assistance and Health
2 Services Program.
- 3 g. "Medical assistance" means payments on behalf of recipients to
4 providers for medical care and services authorized under this act.
- 5 h. "Provider" means any person, public or private institution,
6 agency or business concern approved by the division lawfully
7 providing medical care, services, goods and supplies authorized under
8 this act, holding, where applicable, a current valid license to provide
9 such services or to dispense such goods or supplies.
- 10 i. "Qualified applicant" means a person who is a resident of this
11 State and is determined to need medical care and services as provided
12 under this act, and who:
- 13 (1) Is a dependent child or parent or caretaker relative of a
14 dependent child and a¹ recipient of [Aid to Families with Dependent
15 Children] benefits under the Work First New Jersey program
16 established pursuant to P.L. , c. (C.)(pending before the
17 Legislature as Senate Bill No. 136¹ of 1996)¹ who would be, except for
18 resources, eligible for the aid to families with dependent children
19 program under the State Plan for Title IV-A of the federal Social
20 Security Act as of July 16, 1996¹;
- 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 ¹[public assistance under a
27 categorical assistance program]Supplemental Security Income under
28 Title XVI of the federal Social Security Act or would be, except for
29 resources, eligible for the aid to families with dependent children
30 program under the State Plan for Title IV-A of the federal Social
31 Security Act as of July 16, 1996.¹ except for failure to meet an
32 eligibility condition or requirement imposed under such State program
33 which is prohibited under Title XIX of the federal Social Security Act
34 such as a durational residency requirement, relative responsibility,
35 consent to imposition of a lien;
- 36 (5) Is a child between 18 and 21 years of age who would be
37 ¹, except for resources,¹ eligible for [Aid to Families with Dependent
38 Children] ¹[the Work First New Jersey program] the aid to families
39 with dependent children program under the State Plan for Title IV-A
40 of the federal Social Security Act as of July 16, 1996¹, living in the
41 family group except for lack of school attendance or pursuit of
42 formalized vocational or technical training;
- 43 (6) Is an individual under 21 years of age who ¹[qualifies for
44 categorical assistance on the basis of financial eligibility, but does not
45 qualify as a dependent child under the [State's program of Aid to
46 Families with Dependent Children (AFDC)] Work First New Jersey

1 program] would be, except for resources or dependent child
2 requirements, eligible for the aid to families with dependent children
3 program under the State Plan for Title IV-A of the federal Social
4 Security Act as of July 16, 1996¹, or groups of such individuals,
5 including but not limited to, children in foster placement under
6 supervision of the Division of Youth and Family Services whose
7 maintenance is being paid in whole or in part from public funds,
8 children placed in a foster home or institution by a private adoption
9 agency in New Jersey or children in intermediate care facilities,
10 including [institutions for the mentally retarded] developmental centers
11 for the developmentally disabled, or in psychiatric hospitals;

12 (7) ¹[Meets the standard of need applicable to his circumstances
13 under a categorical assistance program] Except for resources, would
14 be eligible for the aid to families with dependent children program
15 under the State Plan for Title IV-A of the federal Social Security Act
16 in effect as of July 16, 1996¹ or ¹the¹ Supplemental Security Income
17 program, but is not receiving such assistance and applies for medical
18 assistance only;

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

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

23 (i) Pregnant women;

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

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

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

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

30 (i) For one person and two person households, the income standard
31 shall be the maximum allowable under federal law, but shall not exceed
32 133 1/3% of the State's payment level to two person households
33 ¹[eligible to receive assistance pursuant to [P.L.1959, c.86 (C.44:10-1
34 et seq.)]P.L. _____, c. _____ (C. _____)(pending before the Legislature as
35 Senate Bill No. _____ of 1996)] under the aid to families with dependent
36 children program under the State Plan for Title IV-A of the federal
37 Social Security Act in effect as of July 16, 1996¹; and

38 (ii) For households of three or more persons, the income standard
39 shall be set at 133 1/3% of the State's payment level to similar size
40 households ¹[eligible to receive assistance pursuant to [P.L.1959, c.86
41 (C.44:10-1 et seq.)] P.L. _____, c. _____ (C. _____)(pending before the
42 Legislature as Senate Bill No. _____ of 1996)] under the aid to families
43 with dependent children program under the State Plan for Title IV-A
44 of the federal Social Security Act in effect as of July 16, 1996¹.

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

1 (i) For one person households, the resource standard shall be 200%
2 of the resource standard for recipients of Supplemental Security
3 Income pursuant to 42 U.S.C.1382(1)(B);

4 (ii) For two person households, the resource standard shall be
5 200% of the resource standard for recipients of Supplemental Security
6 Income pursuant to 42 U.S.C.1382(2)(B);

7 (iii) For households of three or more persons, the resource
8 standard in subparagraph (c)(ii) above shall be increased by \$100.00
9 for each additional person; and

10 (iv) The resource standards established in (i), (ii), and (iii) are
11 subject to federal approval and the resource standard may be lower if
12 required by the federal Department of Health and Human Services.

13 (d) Individuals whose income exceeds those established in
14 subparagraph (b) of paragraph (8) of this subsection may become
15 medically needy by incurring medical expenses as defined in 42
16 C.F.R.435.831(c) which will reduce their income to the applicable
17 medically needy income established in subparagraph (b) of paragraph
18 (8) of this subsection.

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

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

23 (i) County welfare agencies are responsible for determining and
24 certifying the eligibility of pregnant women and dependent children.
25 The division shall reimburse county welfare agencies for 100% of the
26 reasonable costs of administration which are not reimbursed by the
27 federal government for the first 12 months of this program's operation.
28 Thereafter, 75% of the administrative costs incurred by county welfare
29 agencies which are not reimbursed by the federal government shall be
30 reimbursed by the division;

31 (ii) The division is responsible for certifying the eligibility of
32 individuals who are 65 years of age and older and individuals who are
33 blind or disabled. The division may enter into contracts with county
34 welfare agencies to determine certain aspects of eligibility. In such
35 instances the division shall provide county welfare agencies with all
36 information the division may have available on the individual.

37 The division shall notify all eligible recipients of the Pharmaceutical
38 Assistance to the Aged and Disabled program, P.L.1975, c.194
39 (C.30:4D-20 et seq.) on an annual basis of the medically needy
40 program and the program's general requirements. The division shall
41 take all reasonable administrative actions to ensure that
42 Pharmaceutical Assistance to the Aged and Disabled recipients, who
43 notify the division that they may be eligible for the program, have their
44 applications processed expeditiously, at times and locations convenient
45 to the recipients; and

46 (iii) The division is responsible for certifying incurred medical

1 expenses for all eligible persons who attempt to qualify for the
2 program pursuant to subparagraph (d) of paragraph (8) of this
3 subsection;

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

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

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

14 (11) Is an individual 65 years of age and older, or an individual
15 who is blind or disabled pursuant to section 301 of Pub.L.92-603 (42
16 U.S.C.1382c), whose income does not exceed 100% of the poverty
17 level, adjusted for family size, and whose resources do not exceed
18 100% of the resource standard used to determine medically needy
19 eligibility pursuant to paragraph (8) of this subsection;

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

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

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

38 (15) (a) Is a specified low-income medicare beneficiary pursuant
39 to 42 U.S.C.1396a(a)10(E)iii whose resources beginning January 1,
40 1993 do not exceed 200% of the resource standard used to determine
41 eligibility under the Supplemental Security Income program, P.L.1973,
42 c.256 (C.44:7-85 et seq.) and whose income beginning January 1,
43 1993 does not exceed 110% of the poverty level, and beginning
44 January 1, 1995 does not exceed 120% of the poverty level.

45 (b) An individual who has, within 36 months, or within 60 months
46 in the case of funds transferred into a trust, of applying to be a

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

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

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

43 j. "Recipient" means any qualified applicant receiving benefits
44 under this act.

45 k. "Resident" means a person who is living in the State voluntarily
46 with the intention of making his home here and not for a temporary

1 purpose. Temporary absences from the State, with subsequent returns
2 to the State or intent to return when the purposes of the absences have
3 been accomplished, do not interrupt continuity of residence.

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

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

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

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

31 p. "Poverty level" means the official poverty level based on family
32 size established and adjusted under Section 673(2) of Subtitle B, the
33 "Community Services Block Grant Act," of Pub.L.97-35
34 (42 U.S.C.9902(2)).
35 (cf: P.L.1995, c.292, s.1)

36

37 ¹[10.] 11.¹ Section 2 of P.L.1987, c.283 (C.30:4D-6c) is amended
38 to read as follows:

39 2. [A] ¹[Subject to the provisions of section 5 of P.L. _____, c. _____
40 (C. _____)(pending before the Legislature as this bill), a person who
41 becomes ineligible for financial assistance under the [aid to families
42 with dependent children program, P.L.1959, c.86 (C.44:10-1 et seq.)]
43 Work First New Jersey program established pursuant to P.L. _____, c. _____
44 (C. _____)(pending before the Legislature as Senate Bill No. _____ of 1996),]
45 A dependent child or the parent or caretaker relative of a dependent
46 child who would lose eligibility for the aid to families with dependent

1 children program under the State Plan for Title IV-A of the federal
 2 Social Security Act in effect as of July 16, 1996¹ due to earnings from,
 3 or increased hours of, employment, or receipt of benefits under the
 4 "unemployment compensation law," R.S.43:21-1 et seq. or the
 5 "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et
 6 seq.), is eligible to continue receiving Medicaid benefits pursuant to
 7 P.L.1968, c.413 (C.30:4D-1 et seq.) for a period of 24 consecutive
 8 months, commencing with the month in which eligibility ¹[for]¹ [aid to
 9 families with dependent children] ¹[the Work First New Jersey
 10 program ceases,] under provisions of the State Plan for Title IV-A of
 11 the federal Social Security Act in effect as of July 16, 1996 is no
 12 longer met.¹ if the person¹[:]¹

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

20 b. would be eligible ¹[for]¹ [aid to families with dependent
 21 children] ¹[Work First New Jersey financial assistance] in accordance
 22 with the State Plan for Title IV-A of the federal Social Security Act in
 23 effect as of July 16, 1996¹, except for the person's income, resources
 24 or hours of employment.
 25 (cf: P.L.1991, c.523, s.17)

26
 27 ¹[11.] 12.¹ Section 30 of P.L.1994, c.182 (C.44:10-5.9) is
 28 amended to read as follows:

29 30. The director or other chief administrative officer of each
 30 agency or office administering assistance under the ["Aid to Families
 31 With Dependent Children" program] Work First New Jersey program
 32 established pursuant to P.L. , c. (C.)(pending before the
 33 Legislature as Senate Bill No. 136¹ of 1996) shall:

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

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

18 b. provide for the continuous supply of the forms and instructions
19 specified in subsection a. of this section to every agency and office
20 which provides assistance under [P.L.1959, c.86 (C.44:10-1) and]
21 P.L. _____, c. _____ (C. _____)(pending before the Legislature as Senate Bill
22 No. '36¹ of 1996), 42 U.S.C. §601 et seq. and the federal "Food
23 Stamp Act of 1977," Pub.L.95-113 (7 U.S.C. §2011 et seq.);

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

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

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

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

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

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

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

44 (4) make any statement to an applicant or take any action the
45 purpose or effect of which is to lead the applicant to believe that a
46 decision to register or not to register has any bearing on the

1 availability of services or benefits; and

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

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

7

8 ¹[12.] 13.¹ The commissioner, pursuant to the "Administrative
9 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt
10 rules and regulations to effectuate the purposes of this act and to
11 comply with the requirements of Pub.L.104-193.

12

13 ¹[13.] 14.¹ This act shall take effect immediately.

14

15

16

17

18 Enacts various provisions of welfare reform including supportive
19 services and income disregards.