

[Second Reprint]
SENATE, No. 37

STATE OF NEW JERSEY

INTRODUCED OCTOBER 24, 1996

By Senators BRYANT, KYRILLOS, 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 ² "Alternative work experience" means unpaid work and training
10 only with a public, private nonprofit or private charitable employer
11 that provides a recipient with the experience necessary to adjust to,
12 and learn how to function in, an employment setting and the
13 opportunity to combine that experience with education and job
14 training. An alternative work experience participant shall not be
15 assigned to work for a private, for profit employer. ²

16 "Assistance unit" means: a single person without dependent
17 children; a couple without dependent children; dependent children
18 only; or a person ¹or couple¹ with one or more dependent children who
19 are legally or blood-related, or who is their legal guardian, and who
20 live together as a household unit.

21 "Benefits" means any assistance provided to needy persons and
22 their dependent children and ¹needy¹ single persons ¹and couples
23 without dependent children¹ under the Work First New Jersey
24 program.

25 "Commissioner" means the Commissioner of Human Services.

26 "Community work experience" means unpaid work ¹[experience]¹
27 and training ²only² with a public, private nonprofit or private charitable
28 employer, provided to a recipient when, and to the extent, that such

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.

² Senate floor amendments adopted December 16, 1996.

1 experience is necessary to enable the recipient to adjust to, and learn
2 how to function in, an employment setting. ²A community work
3 experience participant shall not be assigned to work for a private, for
4 profit employer. ²

5 "Dependent child" means a child:

6 a. under the age of 18;

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

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

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

28 "Income eligibility standard" means the income eligibility threshold
29 based on assistance unit size established by regulation of the
30 commissioner for benefits provided within the limit of funds
31 appropriated by the Legislature.

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

36 "Poverty level" means the official poverty level based on family
37 size, established and adjusted under Section 673 (2) of Subtitle B of
38 the "Community Services Block Grant Act, " Pub.L.97-35 (42 U.S.C.§
39 9902 (2)).

40 "Recipient" means a recipient of benefits under the Work First New
41 Jersey program.

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

44 "Standard of need" means the minimum amount of income and in-
45 kind benefits or services needed by families and single persons living
46 in New Jersey in order to maintain a decent and healthy standard of

1 living, as established by regulation of the commissioner, and shall
2 include necessary items such as housing, utilities, food, work-related
3 transportation, clothing and personal and household essentials.

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

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

13 "Work activity" includes, but is not limited to, the following, as
14 defined by regulation of the commissioner: employment; ²[work
15 experience;]² on-the-job training; job search and job readiness
16 assistance; vocational educational training; job skills training related
17 directly to employment; community work experience; alternative work
18 experience; supportive work; community service programs, including
19 the provision of child care as a community service project; in the case
20 of a teenage parent or a recipient under the age of 19 who is expected
21 to graduate or complete their course of study by their 19th birthday,
22 satisfactory attendance at a secondary school or in a course of study
23 leading to a certificate of general equivalence; and education that is
24 necessary for employment in the case of a person who has not received
25 a high school diploma or a certificate of high school equivalency, a
26 course of study leading to a certificate of general equivalence, or post-
27 secondary education, when combined with community work
28 experience participation or other approved work activities, including
29 employment.

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

33
34 2. (New section) A person ¹, other than a natural or adoptive
35 parent or stepparent,¹ who is a care giver to a dependent child who is
36 that care giver's legal or blood relative shall be evaluated to determine
37 whether that person is eligible for benefits if that person's income is
38 not in excess of 150% of the poverty level.

39
40 3. (New section) A parent who is eligible for benefits who is
41 married to a person who is not the parent of one or more of the
42 eligible parent's children shall not be eligible for benefits if the
43 household income exceeds the income eligibility standard. The eligible
44 parent's natural children, however, shall be eligible for benefits
45 according to a sliding income scale established by the commissioner,
46 which does not take into account the income of the eligible parent's

1 spouse, if the total annual household income does not exceed 150% of
 2 the poverty level. The spouse of the eligible parent and the spouse's
 3 natural child, if any, who is living with the family, who is not the
 4 eligible parent's natural child, shall not be eligible for benefits.

5
 6 4. (New section) In computing the cash assistance benefit
 7 provided to recipients, the following disregards shall be applied to the
 8 earned income of each person in the assistance unit:

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

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

18 (1) child care services ¹, including after-school child care in the
 19 case of a child over six years of age.¹ for ¹[a recipient's]¹ eligible
 20 dependent ¹[child]children , to be provided [to persons with
 21 dependent children]during the recipient's program eligibility period
 22 and¹ for 24 consecutive months following ineligibility for benefits as
 23 a result of receipt of earned income ¹[:].¹

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

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

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

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

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

46 (2) an assistance unit with dependent children which, using the

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

7
8 ¹6. (New section) A community college which provides campus-
9 based child care and any work activity to a recipient as part of that
10 recipient's individual responsibility plan pursuant to section 8 of
11 P.L. , c. (C.)(pending before the Legislature as Senate Bill No.
12 36 of 1996), shall receive a subsidy for the provision of child care from
13 the commissioner, in accordance with regulations adopted by the
14 commissioner.¹

15
16 ¹[6.] 7.¹ (New section) Single adults and couples without
17 dependent children shall not be eligible for medical assistance for
18 inpatient or outpatient hospital care or long-term care under the
19 program, except that medical assistance shall be provided for the
20 following, in accordance with regulations adopted by the
21 commissioner:

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

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

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

41
42 ¹[7.]8.¹ (New section) a. The commissioner, in cooperation with
43 other affected agencies of State government, shall report biennially to
44 the Governor and the Legislature on the Work First New Jersey
45 program, and shall include in that report any recommendations for
46 changes in the law or regulations governing the program that the

1 commissioner deems necessary to further the goals of the program.
2 The commissioner shall determine the manner and terms of the
3 reporting in accordance with the requirements of federal law.

4 b. The commissioner shall issue a public report on at least a
5 quarterly basis concerning the number of recipients in the program, the
6 number of recipients classified as exempt from time limits or deferred
7 from work requirements, the number of recipients classified as to the
8 degree of employability as defined by the commissioner, the number
9 of recipients who have obtained employment, the number of recipients
10 terminated from the program and the reasons for the terminations, the
11 average wages and benefits earned by recipients, the types of
12 employment obtained by recipients and whether the employment is in
13 the public or private sector, the average length of stay ¹in their jobs¹
14 by recipients ¹who reapply for benefits [in their jobs]¹, and the number
15 of former recipients who have re-entered the program after being
16 terminated.

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

23 ¹In addition, the commissioner shall initiate a study of the Michigan
24 Civilian Conservation Corps program as a means of offering
25 employment to economically disadvantaged youth that provides
26 constructive work experience and training to increase their ability to
27 secure unsubsidized employment. The commissioner shall study the
28 effectiveness of the Michigan Civilian Conservation Corps program
29 and the possibility of establishing such a program in this State. The
30 commissioner shall submit a written report of his findings and
31 recommendations to the Governor and the Legislature by January 1,
32 1998.¹

33
34 ¹[8.] 9.¹ (New section) The commissioner shall establish by
35 regulation a standard of need and update the standard annually. The
36 standard of need shall serve only as a benchmark against which the
37 Legislature may decide on appropriations to fund cash assistance
38 benefits to recipients.

39
40 ¹[9.] 10.¹ Section 3 of P.L.1968, c.413 (C.30:4D-3) is amended to
41 read as follows:

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

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

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

- 1 c. "Department" means the Department of Human Services, which
2 is herein designated as the single State agency to administer the
3 provisions of this act.
- 4 d. "Director" means the Director of the Division of Medical
5 Assistance and Health Services.
- 6 e. "Division" means the Division of Medical Assistance and Health
7 Services.
- 8 f. "Medicaid" means the New Jersey Medical Assistance and Health
9 Services Program.
- 10 g. "Medical assistance" means payments on behalf of recipients to
11 providers for medical care and services authorized under this act.
- 12 h. "Provider" means any person, public or private institution,
13 agency or business concern approved by the division lawfully
14 providing medical care, services, goods and supplies authorized under
15 this act, holding, where applicable, a current valid license to provide
16 such services or to dispense such goods or supplies.
- 17 i. "Qualified applicant" means a person who is a resident of this
18 State and is determined to need medical care and services as provided
19 under this act, and who:
- 20 (1) Is a ¹dependent child or parent or caretaker relative of a
21 dependent child and a¹ recipient of [Aid to Families with Dependent
22 Children] benefits under the Work First New Jersey program
23 established pursuant to P.L. , c. (C.)(pending before the
24 Legislature as Senate Bill No. ¹36¹ of 1996) ¹who would be, except for
25 resources, eligible for the aid to families with dependent children
26 program under the State Plan for Title IV-A of the federal Social
27 Security Act as of July 16, 1996¹;
- 28 (2) Is a recipient of Supplemental Security Income for the Aged,
29 Blind and Disabled under Title XVI of the Social Security Act;
- 30 (3) Is an "ineligible spouse" of a recipient of Supplemental Security
31 Income for the Aged, Blind and Disabled under Title XVI of the Social
32 Security Act, as defined by the federal Social Security Administration;
- 33 (4) Would be eligible to receive ¹[public assistance under a
34 categorical assistance program]Supplemental Security Income under
35 Title XVI of the federal Social Security Act or would be, except for
36 resources, eligible for the aid to families with dependent children
37 program under the State Plan for Title IV-A of the federal Social
38 Security Act as of July 16, 1996,¹ except for failure to meet an
39 eligibility condition or requirement imposed under such State program
40 which is prohibited under Title XIX of the federal Social Security Act
41 such as a durational residency requirement, relative responsibility,
42 consent to imposition of a lien;
- 43 (5) Is a child between 18 and 21 years of age who would be
44 ¹, except for resources,¹ eligible for [Aid to Families with Dependent
45 Children] ¹[the Work First New Jersey program] the aid to families
46 with dependent children program under the State Plan for Title IV-A

1 of the federal Social Security Act as of July 16, 1996¹, living in the
2 family group except for lack of school attendance or pursuit of
3 formalized vocational or technical training;

4 (6) Is an individual under 21 years of age who ¹[qualifies for
5 categorical assistance on the basis of financial eligibility, but does not
6 qualify as a dependent child under the [State's program of Aid to
7 Families with Dependent Children (AFDC)] Work First New Jersey
8 program] would be, except for resources or dependent child
9 requirements, eligible for the aid to families with dependent children
10 program under the State Plan for Title IV-A of the federal Social
11 Security Act as of July 16, 1996¹, or groups of such individuals,
12 including but not limited to, children in foster placement under
13 supervision of the Division of Youth and Family Services whose
14 maintenance is being paid in whole or in part from public funds,
15 children placed in a foster home or institution by a private adoption
16 agency in New Jersey or children in intermediate care facilities,
17 including [institutions for the mentally retarded] developmental centers
18 for the developmentally disabled, or in psychiatric hospitals;

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

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

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

30 (i) Pregnant women;

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

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

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

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

37 (i) For one person and two person households, the income standard
38 shall be the maximum allowable under federal law, but shall not exceed
39 133 1/3% of the State's payment level to two person households
40 ¹[eligible to receive assistance pursuant to [P.L.1959, c.86 (C.44:10-1
41 et seq.)]P.L. _____, c. _____ (C. _____)(pending before the Legislature as
42 Senate Bill No. _____ of 1996)] under the aid to families with dependent
43 children program under the State Plan for Title IV-A of the federal
44 Social Security Act in effect as of July 16, 1996¹; and

45 (ii) For households of three or more persons, the income standard
46 shall be set at 133 1/3% of the State's payment level to similar size

1 households ¹[eligible to receive assistance pursuant to [P.L.1959, c.86
2 (C.44:10-1 et seq.)] P.L. _____, c. _____ (C. _____)(pending before the
3 Legislature as Senate Bill No. _____ of 1996)] under the aid to families
4 with dependent children program under the State Plan for Title IV-A
5 of the federal Social Security Act in effect as of July 16, 1996¹.

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

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

11 (ii) For two person households, the resource standard shall be
12 200% of the resource standard for recipients of Supplemental Security
13 Income pursuant to 42 U.S.C.1382(2)(B);

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

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

20 (d) Individuals whose income exceeds those established in
21 subparagraph (b) of paragraph (8) of this subsection may become
22 medically needy by incurring medical expenses as defined in 42
23 C.F.R.435.831(c) which will reduce their income to the applicable
24 medically needy income established in subparagraph (b) of paragraph
25 (8) of this subsection.

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

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

30 (i) County welfare agencies are responsible for determining and
31 certifying the eligibility of pregnant women and dependent children.
32 The division shall reimburse county welfare agencies for 100% of the
33 reasonable costs of administration which are not reimbursed by the
34 federal government for the first 12 months of this program's operation.
35 Thereafter, 75% of the administrative costs incurred by county welfare
36 agencies which are not reimbursed by the federal government shall be
37 reimbursed by the division;

38 (ii) The division is responsible for certifying the eligibility of
39 individuals who are 65 years of age and older and individuals who are
40 blind or disabled. The division may enter into contracts with county
41 welfare agencies to determine certain aspects of eligibility. In such
42 instances the division shall provide county welfare agencies with all
43 information the division may have available on the individual.

44 The division shall notify all eligible recipients of the Pharmaceutical
45 Assistance to the Aged and Disabled program, P.L.1975, c.194
46 (C.30:4D-20 et seq.) on an annual basis of the medically needy

1 program and the program's general requirements. The division shall
2 take all reasonable administrative actions to ensure that
3 Pharmaceutical Assistance to the Aged and Disabled recipients, who
4 notify the division that they may be eligible for the program, have their
5 applications processed expeditiously, at times and locations convenient
6 to the recipients; and

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

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

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

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

21 (11) Is an individual 65 years of age and older, or an individual
22 who is blind or disabled pursuant to section 301 of Pub.L.92-603 (42
23 U.S.C.1382c), whose income does not exceed 100% of the poverty
24 level, adjusted for family size, and whose resources do not exceed
25 100% of the resource standard used to determine medically needy
26 eligibility pursuant to paragraph (8) of this subsection;

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

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

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

45 (15) (a) Is a specified low-income medicare beneficiary pursuant
46 to 42 U.S.C.1396a(a)10(E)iii whose resources beginning January 1,

1 1993 do not exceed 200% of the resource standard used to determine
2 eligibility under the Supplemental Security Income program, P.L.1973,
3 c.256 (C.44:7-85 et seq.) and whose income beginning January 1,
4 1993 does not exceed 110% of the poverty level, and beginning
5 January 1, 1995 does not exceed 120% of the poverty level.

6 (b) An individual who has, within 36 months, or within 60 months
7 in the case of funds transferred into a trust, of applying to be a
8 qualified applicant for Medicaid services in a nursing facility or a
9 medical institution, or for home or community-based services under
10 section 1915(c) of the federal Social Security Act (42
11 U.S.C.1396n(c)), disposed of resources or income for less than fair
12 market value shall be ineligible for assistance for nursing facility
13 services, an equivalent level of services in a medical institution, or
14 home or community-based services under section 1915(c) of the
15 federal Social Security Act (42 U.S.C.1396n(c)). The period of the
16 ineligibility shall be the number of months resulting from dividing the
17 uncompensated value of the transferred resources or income by the
18 average monthly private payment rate for nursing facility services in
19 the State as determined annually by the commissioner. In the case of
20 multiple resource or income transfers, the resulting penalty periods
21 shall be imposed sequentially. Application of this requirement shall be
22 governed by 42 U.S.C. 1396p(c). In accordance with federal law, this
23 provision is effective for all transfers of resources or income made on
24 or after August 11, 1993. Notwithstanding the provisions of this
25 subsection to the contrary, the State eligibility requirements
26 concerning resource or income transfers shall not be more restrictive
27 than those enacted pursuant to 42 U.S.C. 1396p(c).

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

46 This subparagraph shall be operative only if all necessary approvals

1 are received from the federal government including, but not limited to,
2 approval of necessary State plan amendments and approval of any
3 waivers.

4 j. "Recipient" means any qualified applicant receiving benefits
5 under this act.

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

11 l. "State Medicaid Commission" means the Governor, the
12 Commissioner of Human Services, the President of the Senate and the
13 Speaker of the General Assembly, hereby constituted a commission to
14 approve and direct the means and method for the payment of claims
15 pursuant to this act.

16 m. "Third party" means any person, institution, corporation,
17 insurance company, group health plan as defined in section 607(1) of
18 the federal "Employee Retirement and Income Security Act of 1974,"
19 29 U.S.C.1167(1), service benefit plan, health maintenance
20 organization, or other prepaid health plan, or public, private or
21 governmental entity who is or may be liable in contract, tort, or
22 otherwise by law or equity to pay all or part of the medical cost of
23 injury, disease or disability of an applicant for or recipient of medical
24 assistance payable under this act.

25 n. "Governmental peer grouping system" means a separate class of
26 skilled nursing and intermediate care facilities administered by the
27 State or county governments, established for the purpose of screening
28 their reported costs and setting reimbursement rates under the
29 Medicaid program that are reasonable and adequate to meet the costs
30 that must be incurred by efficiently and economically operated State
31 or county skilled nursing and intermediate care facilities.

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

38 p. "Poverty level" means the official poverty level based on family
39 size established and adjusted under Section 673(2) of Subtitle B, the
40 "Community Services Block Grant Act," of Pub.L.97-35
41 (42 U.S.C.9902(2)).

42 (cf: P.L.1995, c.292, s.1)

43

44 ¹[10.] 11.¹ Section 2 of P.L.1987, c.283 (C.30:4D-6c) is amended
45 to read as follows:

46 2. [A] ¹[Subject to the provisions of section 5 of P.L. _____, c.

1 (C. _____)(pending before the Legislature as this bill), a person who
 2 becomes ineligible for financial assistance under the [aid to families
 3 with dependent children program, P.L.1959, c.86 (C.44:10-1 et seq.)]
 4 Work First New Jersey program established pursuant to P.L. _____, c. _____
 5 (C. _____)(pending before the Legislature as Senate Bill No. _____ of 1996),]
 6 A dependent child or the parent or caretaker relative of a dependent
 7 child who would lose eligibility for the aid to families with dependent
 8 children program under the State Plan for Title IV-A of the federal
 9 Social Security Act in effect as of July 16, 1996¹ due to earnings from,
 10 or increased hours of, employment, or receipt of benefits under the
 11 "unemployment compensation law," R.S.43:21-1 et seq. or the
 12 "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et
 13 seq.), is eligible to continue receiving Medicaid benefits pursuant to
 14 P.L.1968, c.413 (C.30:4D-1 et seq.) for a period of 24 consecutive
 15 months, commencing with the month in which eligibility¹[for]¹ [aid to
 16 families with dependent children] ¹[the Work First New Jersey
 17 program ceases,] under provisions of the State Plan for Title IV-A of
 18 the federal Social Security Act in effect as of July 16, 1996 is no
 19 longer met.¹ if the person¹[:]¹

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

27 b. would be eligible ¹[for]¹ [aid to families with dependent
 28 children] ¹[Work First New Jersey financial assistance] in accordance
 29 with the State Plan for Title IV-A of the federal Social Security Act in
 30 effect as of July 16, 1996¹, except for the person's income, resources
 31 or hours of employment.

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

33

34 ¹[11.] 12.¹ Section 30 of P.L.1994, c.182 (C.44:10-5.9) is
 35 amended to read as follows:

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

41 a. cause copies of the voter registration forms and instructions
 42 provided for under subsections e. and f. of section 16 of P.L.1974,
 43 c.30 (C.19:31-6.4) and the declination form provided for in subsection
 44 b. of section 26 of P.L.1994, c.182 (C.19:31-6.11) to be distributed at
 45 each such agency or office to each person appearing in person thereat
 46 to apply for services or assistance provided thereby or to seek a

1 recertification, renewal or change of address relative to the assistance
2 provided at such office. An employee of the agency or office shall
3 inquire of every such person whether the person, if not already
4 registered to vote from the place of his or her present residence,
5 wishes to be so registered and shall inform the person that whether or
6 not the applicant chooses to register will not affect the person's
7 eligibility for those services. The employee shall subsequently review
8 the forms to determine whether or not the person wishes to register to
9 vote. If the person does not wish to register, the employee shall
10 provide the person with any assistance necessary to complete the
11 declination form and then inform the person that the form will be
12 retained by the employee. If the person wishes to register, the
13 employee shall provide the person with any assistance necessary in
14 completing the voter registration form; shall inform the applicant that
15 the applicant may leave the completed form with the employee or mail
16 it personally to the Secretary of State; and if the applicant chooses to
17 leave the form, shall accept the completed form, stamp or otherwise
18 mark the lower right hand corner of the document with the date on
19 which it was so received, and forward it to the Secretary of State. The
20 employee shall provide to each applicant who does not decline to
21 register to vote the same degree of assistance with regard to the
22 completion of the voter registration form as is provided by the office
23 with regard to the completion of its own forms, unless the applicant
24 refuses such assistance;

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

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

36 d. provide for the collection of completed voter registration forms
37 by any employee of the agency or office for the transmittal of the
38 forms to the Secretary of State;

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

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

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

- 1 (2) display any such political preference or party allegiance;
2 (3) make any statement to an applicant or take any action the
3 purpose or effect of which is to discourage the applicant from
4 registering to vote; or
5 (4) make any statement to an applicant or take any action the
6 purpose or effect of which is to lead the applicant to believe that a
7 decision to register or not to register has any bearing on the
8 availability of services or benefits; and
9 g. make certain that no information relating to a declination to
10 register to vote by an individual in connection with any type of
11 application for service made by that individual at any agency or office
12 is used for any purpose other than voter registration.
13 (cf: P.L.1994, c.182, s.30)

14

15 ¹[12.] 13.¹ The commissioner, pursuant to the "Administrative
16 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt
17 rules and regulations to effectuate the purposes of this act and to
18 comply with the requirements of Pub.L.104-193.

19

20 ¹[13.] 14.¹ This act shall take effect immediately.

21

22

23

24

25 Enacts various provisions of welfare reform including supportive
26 services and income disregards.